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PREVENTION OF CRUELTY TO ANIMALS
IN THE STATES OF ILLINOIS, COLORADO
AND CALIFORNIA

BY

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 - No. 2. Prevention of Cruelty to Animals in the States of Illinois, Colorado and California.

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PREVENTION OF CRUELTY TO ANIMALS

I. HUMANE WORK IN ILLINOIS

I. GENERAL

IN the state of Illinois, as in most of the states, the prevention of cruelty to animals is entrusted to private societies. They are incorporated under the general corporations act,¹ although the first society organized in the state, the Illinois Humane Society, was incorporated by a special act.² Under the present law the incorporation of anti-cruelty societies is relatively unrestricted, for the statute fixes no limit to the number of such societies which may be formed in a single county. Furthermore, all societies for the prevention of cruelty to animals have jurisdiction to operate throughout the state.

In spite of the apparent ease with which anti-cruelty societies may be organized, the privilege does not appear to have been abused and the state is not burdened with an excessive number of such societies. There are one hundred and one counties in the state, but only twenty-seven counties contain organized societies for the prevention of cruelty to animals. Of the thirty-three societies outside of the city of Chicago only twelve are incorporated. The other twenty-one operate as branches of the Illinois Humane Society of Chicago. Thus it appears that, although the enforcement of anti-cruelty laws is theoretically in the hands of local authorities organized in the various counties, as a matter of fact the work throughout the state is to a large extent centralized in the city of Chicago and is largely dependent upon the activities of a single society. This is in direct contrast to the situation in New York State³ where there are a number of strong independent societies so distributed as practically to localize the work in several centers.

¹ Illinois Statutes Annotated, Chapter 32, Sections 29-34.

² Public Laws of Illinois, 1869, page 114.

³ Prevention of Cruelty to Animals in New York State, by F. Morse Hubbard, Bulletin of Social Legislation, No. 3, June, 1915, Columbia University Press.

One branch of the humane work in Illinois is under the direct supervision of the state. In 1877 an act was passed which provided that state humane agents should be appointed by the governor with the consent of the Senate to secure the enforcement of laws for the prevention of cruelty to animals at the stockyards in the town of Lake, Cook County, at East St. Louis, St. Clair County, and at the city of Peoria, Peoria County. These agents are responsible to the State Board of Live Stock Commissioners in the Department of Agriculture.

The law does not provide for any appropriation for the benefit of anti-cruelty societies by any governmental agency, but requires fines imposed through the agency of any humane society or society for the prevention of cruelty to animals or children to be paid into the treasury of such society to be applied towards its support.¹

Cases of cruelty to animals in the city of Chicago are brought before the municipal court of Chicago, elsewhere before justices' courts. Appeals may be taken to the Supreme Court.²

2. THE ILLINOIS HUMANE SOCIETY

The Illinois Humane Society was one of the pioneers in humane work in the United States. It was organized in 1869, only three years after the formation of Henry Bergh's society in New York, for the purpose of protecting animals from the brutalities to which they were so commonly subjected in those days and for the purpose of securing the passage of much-needed humane legislation. The act of incorporation was as follows:³

"An Act to Incorporate the Illinois Society for the Prevention of Cruelty to Animals.—Sec. 1.—Be it enacted by the people of the state of Illinois represented in the general assembly that George C. Walker, Thomas D. Ryan, Julius S. Rumsey, Belden F. Culver, Ranch S. N. Wilcox and T. D. Brown, their associates and successors, are hereby made a corporation by the name of the Illinois Society for the Prevention of Cruelty to Animals, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations,

¹ Criminal Code, Illinois Statutes Annotated, Chapter 38, Section 471.

² Illinois Statutes Annotated, Chapter 37.

³ Public Laws of Illinois, 1869, page 114.

with authority to hold such real and personal estate for the purposes of the corporation not exceeding in amount \$100,000.

Sec. 2.—This act shall take effect upon its passage."

Approved March 29th, 1869.

Although the society was formed for the protection of animals, its work brought its officers constantly in touch with cases of cruelty to children. At that time there was no public society for the care of abused and neglected children, so the Illinois Society for the Prevention of Cruelty to Animals voluntarily undertook to afford relief in many cases of cruelty to children. This branch of its activity increased in importance so rapidly that in 1877 the name of the society was changed by law to the Illinois Humane Society, and thereafter the care of children became a recognized part of its regular work. Since that time there have been formed throughout the country numerous charitable societies, children's homes, settlement houses, industrial schools, juvenile courts and other institutions all working for the welfare of the child; and it seems a bit strange, in view of the pitiable conditions in which so many children were formerly reared, that the first organized efforts for the prevention of cruelty should have been on behalf of animals. Such, however, was the case.

In 1893, through the generosity of a number of men and women of Chicago, the society became the owner of the historic Wilson Homestead at 1145 South Wabash Avenue. This building has been the headquarters of the society from that date to the present time.

In the matter of prosecutions, the attitude of the officers of the Illinois Humane Society is in accord with the attitude of humane workers generally. They do not believe in carrying on a campaign for prosecutions only, but, at the same time, are convinced that the law cannot be satisfactorily enforced without at least an occasional resort to punitive measures. The paid agents of the society do not patrol the streets as is done for example in New York City, but confine their efforts to the investigation of complaints reported either to them personally or to the office of the society. A great many complaints are registered by private citizens; but it is estimated that about seventy-five per cent of the cases requiring prosecution are in the first instance reported to

the society by the police. The number of prosecutions for cruelty to animals in Chicago is remarkably small. In a period of thirty-seven years (1878-1914, inclusive) the Illinois Humane Society reported only 6,176 prosecutions. These do not represent quite all of the prosecutions during this period; but they certainly constitute the great bulk of them. For the first eleven years of this period the Illinois Humane Society was the only active organization in the field, and since that time it has been instrumental in bringing a large majority of animal cases into the courts. The contrast with the situation in New York City is striking. In 1912 the American Society for the Prevention of Cruelty to Animals and the Humane Society of New York together brought 6,231 prosecutions, and in 1913 the total number of prosecutions reported by these two societies was 5,834. In other words, the number of prosecutions for cruelty to animals in New York City was greater in one year than the total number of such cases reported by the Illinois Humane Society for the past thirty-seven years.

The explanation of this difference is not easy. It does not seem probable that cruelty is so much more prevalent in New York City, as the figures might indicate; nor can the difference be ascribed to the fine system, for in both cities fines go to the societies. A more reasonable explanation may be found in the different methods employed in corrective work. In New York City the agents of the societies devote their time to patrolling the streets like policemen and are constantly on the lookout for cases which deserve prosecution. This method has met with severe criticism; but it seems to have been entirely justified by the results. In Chicago, as has been stated, the agents of the society do not act as patrolmen. That work is left to the city police. The officers of the police department express complete sympathy with the work of the Humane Society, and the records of the department and of the society both indicate a praiseworthy activity on the part of the police in seeking to prevent cruelty to animals. The relatively small number of prosecutions in Chicago, therefore, cannot be attributed to indifference on the part of the police. The true explanation seems to be the simple fact that no police department, however sincere, however active, can

take the place of special agents of humane societies in detecting and punishing the many inconspicuous, but none the less serious, cases of cruelty which are being perpetrated every day.

It is to be noted that the society is subject to restrictions in the exercise of the police power. Only such officers or agents of the society may exercise the powers and privileges of patrolmen as are so designated by the chief of police, and the number is limited to twenty-five. Any special policemen so appointed must be paid by the society requiring their appointment. The ordinance containing these provisions is as follows:

ARTICLE VI

HUMANE SOCIETIES—SPECIAL POLICE

Section 1959.—*Appointment of Special Policemen—Removal.*—The general superintendent of police shall have power, upon the application in writing of any society for the prevention of cruelty to animals and children, incorporated under and by virtue of the laws of the state of Illinois, to appoint and swear in not to exceed twenty-five special policemen, whose names and addresses shall be set forth in such application; provided, the persons so to be appointed shall be recommended by the president of any such society. The general superintendent of police shall keep a correct list of all persons so appointed by him, and he may remove or discharge any of the persons so appointed at any time, without assigning any cause therefor, and he may appoint other persons upon similar application and recommendation to take the place of the persons so removed or discharged.

Section 1960.—*Duties—Powers.*—The special policemen so appointed shall be particularly charged with the duty of enforcing the ordinances of the city relating to cruelty to children and other persons and cruelty to animals. They shall comply with and be subject to all the rules and regulations prescribed by the general superintendent of police for the government, control and duties of such special policemen. They shall also perform such other special and temporary police duties as may, in emergency cases, be required by the general superintendent of police, or other police officer, or as may be required by the rules and regulations so prescribed. They shall in the performance of such duties have all the powers and privileges of patrolmen of the standing police force of the city.

Section 1961.—*Compensation.*—The power hereby conferred upon the general superintendent of police to appoint such special

policemen, and the appointment of such special policemen, shall be upon the condition that the city shall not be liable in any way for the compensation of any such special policeman, and on condition that such compensation shall be provided by the society requesting such appointment to be made.¹

This power of appointment has been sparingly exercised. Only five officers of the Illinois Humane Society at the present time are designated as special policemen. This practice is in line with the provisions of law which in a number of states have limited the exercise of police authority by members of humane societies to such individuals as might be deputized by county sheriffs. It is, of course, necessary to guard against an indiscriminate granting of police powers; but it is questionable whether it is necessary to secure this result by thus limiting the appointment of humane officers. If a duly incorporated society has been recognized by law as a proper agency for the enforcement of statutes and ordinances, it would seem proper to grant this society a certain degree of freedom in choosing its officers and agents and in vesting them with adequate authority for the accomplishment of their legally prescribed duties. If a society is not fit to enforce the laws, of course it is not fit to choose officers for their enforcement; but if the society is fit to enforce the laws, it is reasonable to suppose that it will select its agents with discretion. The experience of many cities justifies the conclusion that humane work cannot be adequately done by the police force. Therefore, it is necessary that the societies chosen for this work be given a comparatively free hand so long as they live up to their charters and conscientiously perform the duties imposed upon them. It is, of course, essential that the incorporation of such societies be carefully safeguarded and that their continued good character be assured by proper supervision. Public authorities should have some means of keeping a personal record of all humane officers, and it might be advisable for some public authority to have the power to remove such officers for cause. The experience of San Francisco² furnishes strong testimony in favor of some such public control.

¹Ordinances of Chicago, 1911.

²See below, pages 84 ff.

It has been already stated that in Chicago the police department is in sympathy with humane work. This is illustrated by the instructions to members of the police force issued by the chief of the department. Those relating to humane work are as follows:

Section 23.—*Notify Humane Society.*—When the attention of an officer is called to a sick or disabled animal in the streets, especially in the downtown district, and it is apparent that the sickness or injury is not of a trivial nature, he should at once notify the Illinois Humane Society by telephone, so that the ambulance which is provided for the care of such animals may be sent. But in case of a serious injury to an animal and the owner cannot be located within a reasonable time, the officer may call on a licensed veterinary, and if such veterinary states that said animal is so seriously injured that it cannot recover, he may then destroy the same, first securing the names of competent witnesses.

(The Illinois Humane Society recommends that their office be called in all cases of this character.)

Section 24.—*Dead Animals.*—The location of bodies of dead animals shall be immediately reported by telephone to the station, and thereafter every twenty-four hours until they are removed, and also written report thereof made and forwarded to the Bureau of Records for transmission to the Department of Health.

Section 25.—*Prevention of Cruelty to Animals.*—Every officer should at all times strictly enforce the following ordinance relating to the prevention of cruelty to animals. (Ordinance same as State Law.)

Section 26.—*Cattle, Horses and Dogs at Large.*—Officers who find cattle or horses running at large upon the streets or other public places within the city limits, will cause the poundmaster to be notified promptly, that the animal may be taken up and disposed of according to law. Patrolmen shall take up every dangerous, fierce or vicious dog running at large and cause the same to be impounded or kill the same, as provided by ordinances of the city of Chicago.

In 1906 Captain Healey of the mounted traffic squad made a special effort to have the men working under his direction co-operate in the enforcement of humane laws. The squad at that time numbered only about a dozen, but its members were given careful instruction by officers of the humane society and by veterinarians at meetings called by the captain of the squad.

Attendance at this school of instruction was compulsory. Since that time the traffic squad has increased in number to 219. The school of instruction has been continued, meeting regularly once a week. Captain Healey, who is now the Chief of Police, says that the men always responded gladly to this humane instruction, and says many specific instances of its good results can be cited. For example, a few years ago the members of the squad were instructed by a veterinarian how to handle horses suffering from sunstroke. It happened that the next day five horses were saved as a direct result of the lesson thus learned. Chief of Police Healey, who is a member of the Illinois Humane Society, has not only kept humane work in mind in the performance of his official duties, but has delivered lectures on behalf of the society, illustrating the work which can be done by the police in preventing cruelty to animals. On one occasion he delivered such a lecture before the State Convention of Humane Societies in Illinois, and at another time he represented the society at a meeting of the American Humane Association in San Francisco. These details are given to show that the performance of humane work by the police is being undertaken under most favorable circumstances in the city of Chicago.

If the present system is continued it is possible that in the near future a special squad will be organized in the police department for prevention of cruelty to animals. This would certainly result most advantageously in the performance of humane work; but still it must be urged that the highest possibilities can be attained only by increasing the number of special agents working directly under the supervision and control of humane societies.

As has been already stated, the number of prosecutions instituted annually by the Illinois Humane Society is comparatively small. The following table shows the number of prosecutions during the past five years:

| | 1910 | 1911 | 1912 | 1913 | 1914 |
|-------------------|------|------|------|------|------|
| Prosecutions..... | 303 | 166 | 291 | 220 | 140 |

The largest number of prosecutions brought in any one year by the Illinois Humane Society was 321, in the year 1907-08. The relative smallness of these figures becomes apparent when it is

recalled that the number of prosecutions by a single society in New York City averages between two thousand and three thousand a year.

Fines imposed in cases of cruelty to animals or children have accrued to the humane societies since 1885, when the law providing for such disposition of the fines was passed through the efforts of the Illinois Humane Society. The law provides that all fines imposed through any humane society incorporated under the laws of the state shall, when collected, be paid to such society to be applied towards its support. If the prosecution is under the state law, the money must be paid over to the society; if the prosecution is under a city ordinance, it may be paid over by the city.¹

As is universally true, a fine is the most usual form of punishment for cases of cruelty to animals in the city of Chicago. Although the average fine in such cases is perhaps larger than in New York City, the records indicate that in the vast majority of cases the fine is no greater than elsewhere. For example, in the first six months of 1915 the average fine in cases of cruelty to animals was \$12.50. This figure is somewhat misleading inasmuch as the general average was increased by two or three cases of unusually heavy fines. Of the total of sixty-two cases in which fines were imposed, twenty-five were for \$3 and thirteen for \$5, so that over half of them were for very small amounts. In three instances the fine was \$100, but in one of these the fine was remitted. The following table shows the amount of fines imposed during the first six months of 1915:

| Amount of Fine | Number |
|----------------|--------|
| \$100 | 3 |
| 50 | 1 |
| 25 | 6 |
| 20 | 1 |
| 15 | 1 |
| 10 | 10 |
| 5 | 13 |
| 3 | 25 |
| 1 | 2 |

The amount of fines payable each year to the Illinois Humane

¹ Criminal Code, Revised Statutes, Chapter 38, Sections 471-472.
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Society is considerable; but the society actually receives but a small part of these fines. This is to be explained by the fact that in the majority of cases the society either remits a large part of the fine or recommends suspended sentence on condition that the defendant comply with certain stipulations. For example, it often happens that the defendant, who is convicted of driving a horse unfit for use, has done so through thoughtlessness or ignorance and is not guilty of wilful cruelty. In such cases, if the character of the defendant warrants it, the society asks for a conviction with suspended sentence upon a promise by the defendant that the horse will be laid up until fit for work. When this is done the society of course keeps watch to see that conditions are lived up to. In case of delinquency the original sentence is duly enforced. The difference between the amount of fines imposed and the amount annually received by the society is shown in the following table:

| | 1912 | 1913 | 1914 |
|---|--------|--------|--------|
| Fines Imposed, Animal Cases | \$1432 | \$930 | \$1305 |
| Fines Imposed, Children's Cases | 2057 | 2042 | 8609 |
| Fines Received, Total | 522 | 300.50 | 246 |

It appears that the amount of fines imposed in cases of cruelty to children is much greater than in animal cases. The amount received as given in the above table represents the total amount received from *both* sources, and a comparison of these amounts with the total fines imposed in both kinds of cases indicates that the society receives only about ten per cent of the fines to which it is lawfully entitled.

This practice of the Illinois Humane Society relieves it from all suspicion of unworthy motives in prosecution. There is no evidence that the society takes advantages of the fine system for its own financial gain. The judges are agreed that the cases prosecuted by the society are invariably good cases and approve of the methods employed by the society's officers and agents.

In recent years there has been a decrease in the number of prosecutions for cruelty to animals, and the falling-off was especially marked in 1914. It is also true that the society finds more occasion for action in cases of cruelty to children than in animal cases. Several causes may be assigned. In the first place,

there is less cruelty to animals today than in former years. In the second place, the increased use of motor trucks, the higher price of feed, the shipping of horses abroad for use in the war, have all led to a comparative scarcity of horses during the past year. Consequently, there have been fewer cases of cruelty. There has been no decrease in the number of cats and dogs, however, and the proper care of these animals constitutes one of the most vexing problems of humane workers. But comparatively few cases which require prosecution involve cats or dogs. The most of them involve horses and other large animals, so that the decrease in the number of horses in use upon the streets accounts largely for the dropping off in the number of prosecutions.

The situation in Chicago presents no striking or peculiar features in regard to the nature of offenses. Conditions here are practically the same as in other large cities. Open, violent cruelty is infrequent. Perhaps the activities of "horse sharks" have presented as much difficulty as anything. Their practice is to dope old, decrepit horses and sell them for a small amount, say twenty to twenty-five dollars. When the purchaser discovers the real character of the animal and returns it with a protest they will often agree to take back the animal and refund part of the purchase price. The offended purchaser considers himself well-off to secure such a concession and is content. The dealers thereupon sell the same horse to another innocent purchaser and the process is repeated. In this way the same horse will be sold a number of times with a profit to the dealer of from ten to fifteen dollars on each sale. The officers of the Humane Society have been well aware of this practice and with the coöperation of the police have done much to stamp it out.

Although the number of prosecutions is not large, the percentage of cases discharged is rather high. In the first six months of 1915, of the total of 105 cases, 43 resulted in dismissal. This can scarcely be charged to the society inasmuch as nearly all of its cases come from complaints of citizens or of patrolmen. Very often, after an arrest has been made upon such complaint, the society is called on to assist in the prosecution of a case which the society's officers would have dealt with in some other way. The society is sometimes hampered by the failure of com-

plainants to furnish adequate evidence or by the failure of the complaining witness to appear at the trial. A large percentage of cases dismissed is not to the credit of a society, even though it is not responsible for them. But it doubtless will be vain to expect any great improvement in this matter in Chicago until the society is able to increase the number of its officers and ceases to depend to such a large extent upon the police force or upon private citizens for the discovery of cases of cruelty. A careful consideration of this problem in all its phases has led to the conclusion that the patrolling of streets is properly within the sphere of humane societies and is the only means by which the best results can be accomplished.

The Illinois Humane Society has not been remiss in the matter of humane education. Since the year 1907 courses of lectures have been conducted by the society on practical subjects of educational value pertaining to humane work. The secretary of the society has lectured before the mounted police of Chicago, in the public schools, before associations and in other places. Lectures have also been delivered by such well-informed men as D. A. H. Baker, President Chicago Veterinary College; Mr. T. J. Cavanagh, Secretary Chicago Team Owners' Association; Mr. W. Lester Bodine, Superintendent Compulsory Education Department, Chicago Board of Education; Mr. Edgar T. Davies, former Chief State Factory Inspector of Illinois; and Charles C. Healey, formerly Captain of the Mounted Squad of the Chicago Police Force, now Chief of Police. The subjects of the lectures delivered by these men have been as follows:

Child Study.

Juvenile Problems: Causes of Delinquency and Dependency among Children.

Child Labor.

Origin and Scope of Laws concerning Cruelty to Children.

Barn Rules and Regulations.

Winter Shoeing Relative to the Comfort and Safety of Horses; Sprains, Fractures, and All Injuries Incidental to Falling.

Cruelty of Overloading Horses.

Cruelty of Working Lame Horses: Prevention and Care of Diseases of the Feet—Corns, Treads, Toe-cracks, Founder, Drop-sore; Canker, Nail-pricks, Open-joint, Sidebone, Quittor and Furuncle.

Diseases of the Hind Legs; Ringbone, Spavin, Curb, Capped Back, String Halt.

Proper Feed and Feeding: Heat Prostration, Sunstroke, and Proper Treatment of Animals during Hot Weather.

Proper Harnessing and Hooking of Horses to Increase Their Power and Conserve Their Strength, and Prevent Sore Shoulders and Backs.

Proper Handling of Cases on the Street: Evidence and Preparation of Cases for Trial.

Origin and Scope of Laws concerning Cruelty to Animals.

In 1909 the Illinois Humane Educational Law was passed aiming to make humane education compulsory in the public schools. This law provides that it shall be the duty of every teacher of a public school in the state to teach the pupils thereof honesty, kindness, justice and moral courage for the purpose of lessening crime and raising the standards of good citizenship. Not less than one-half hour of each week during the entire term of school shall be devoted to this purpose. The law forbids experimentation upon living creatures and the killing of animals in the presence of pupils. It provides for humane education topics at teachers' institutes and at the annual meeting of the Illinois State Teachers' Association. The penalty for the violation of this act by any teacher is five per cent of the wages for the month in which the violation occurs.¹

It is questionable whether this law has met with success. Very few teachers are adequately informed or sufficiently interested in the subject to teach effectively. Furthermore, the law provides no satisfactory machinery for its enforcement. It simply states that the principal or teacher of each public school shall state briefly in each monthly report whether the provisions of the act have been complied with in the school under his or her control. This leaves the avenue of evasion wide open. The burden of enforcement could not properly be placed upon the State Superintendent of Public Instruction without an ample force of inspectors. As a result, humane work in the public schools of Illinois has been most perfunctory and is not generally regarded as of great value. Perhaps the most useful work of this sort has been

¹ Revised Statutes, Chapter 22, Sections 509-513.
(221)

done in the normal schools where Mr. George A. H. Scott, Secretary and Attorney of the society, has delivered lectures explaining the law for the prevention of cruelty to animals, the nature of cruelty under the law, the evidence required for the successful prosecution of a case, and in general the methods of procedure in bringing complaints. These lectures have not been altogether of a technical nature. Mr. Scott has endeavored to emphasize the principles of humanity which underlie humane laws and which should prompt every self-respecting citizen to a considerate treatment of dumb animals.

The educational influence of the society also makes itself felt through its monthly publication, *The Humane Advocate*. This pamphlet contains records of the society's work, suggestions to humane workers generally, a summary of the laws of the state of Illinois concerning cruelty to animals and children, and other such information. This literature is distributed widely throughout the state to newspapers, schools, administrative officers of counties and judges, as well as to other societies and individuals who are interested in humane work.

The relief work of the society is represented by its ambulances. In 1882, shortly after Henry Bergh originated the idea, Ferdinand W. Peck, of Chicago, at that time vice-president of the Illinois Humane Society, presented the society with its first ambulance for the humane transportation of sick and injured animals. This was later replaced by an ambulance of modern design and improved efficiency. In 1905 a third ambulance was secured, and about two years ago the society purchased a large motor ambulance. This is a thirty-five horsepower machine with the capacity of one and one-half tons, and can cover 200 miles a trip. The installation of this motor car did not displace the horse-drawn ambulance, which continues to be used for many calls in the "loop district," while the motor ambulance makes the long-distance hauls. Both vehicles are available for service day and night. The ambulance service is conducted from the society's own stable and garage in the rear of its office building, and is in charge of one of the society's officers. The operation of this department involves considerable expense and a moderate fee is charged for the service if the owner is able to pay. The object

of the society, however, in running these ambulances is to afford relief to animals, and service is rendered gratis whenever necessary. The fees received for the use of the ambulances fall far short of the expense. In 1914 the receipts in this department were \$1,818.49, while the disbursements were \$2,236.12.

The society has no hospital for animals and so is compelled to deliver sick and injured animals to private hospitals and veterinarians. These are scattered throughout the city and, unless a request is made to the contrary, the officer in charge of the animal always seeks to carry the animal to the nearest place of relief. The society does not play favorites among veterinarians, but acts always with an eye to the welfare of the animals. The care of animals in the hands of veterinarians is ordinarily at the expense of the owner, but the burden is borne by the society if the owner is unable to pay.

The society has always considered the erection of public drinking fountains as one of the most truly charitable and practical features of its work. After many experiments the society has adopted a design which has met with extended use. At the present time over sixty public drinking fountains are maintained in the city of Chicago. Many of these have been erected at the expense of benevolent citizens. These fountains have also been erected in a number of the suburbs of Chicago and in other cities of the state, as well as in a number of other states. The fountain is so designed as to furnish water for persons, for horses, and for cats and dogs upon the streets.

The Illinois Humane Society is on a sound financial basis. It is fortunate in having a large permanent investment fund and it has realized fairly liberal sums from membership dues and contributions. On January 1, 1915, its investments totaled \$366,787.26. The income and expenses of the society for the past three years have been as follows:¹

¹ *Humane Advocate*, February, 1915, page 704.
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| <i>Income</i> | <i>1912</i> | <i>1913</i> | <i>1914</i> |
|--|-------------|-------------|-------------|
| Dues and contributions | \$3,851.20 | \$3,988.96 | \$5,314.90 |
| Fines | 466.00 | 262.50 | 246.00 |
| Investment and trust revenues | 12,580.92 | 13,747.69 | 13,246.77 |
| Total income | \$16,898.12 | \$17,999.15 | \$18,807.67 |
| <i>Expense</i> | | | |
| Field operations | \$7,085.28 | \$6,368.40 | \$7,450.15 |
| "Humane Advocate" expense..... | 2,243.47 | 2,453.96 | 2,562.40 |
| House expense. | 2,293.06 | 2,246.83 | 1,608.42 |
| Law, office and general expense | 7,055.31 | 6,750.68 | 7,186.43 |
| Total expense | \$18,677.12 | \$17,819.87 | \$18,807.40 |
| Excess of expense over income for year 1912..... | | \$1,779.00 | |
| Excess of income over expense for years 1913 and 1914 | | \$179.28 | .27 |

3. ANTI-CRUELTY SOCIETY

It is characteristic of many philanthropic enterprises to be initiated with enthusiasm, to run for a while with great activity, then gradually to lose momentum as interest wanes. The resulting condition is one of conservatism, if not of inactivity. A process of regeneration then becomes necessary. This is usually brought about by some kind of revolution or protest instigated by a few restive spirits. A little over twenty-five years ago some citizens of Chicago felt that the Illinois Humane Society was in need of stimulation. Accordingly a group of women headed by Mrs. Theodore Thomas applied to the Illinois Humane Society for admission as auxiliary members. They desired the ordinary privileges of membership, together with the right to vote, upon the payment of a membership fee of one dollar a year. The by-laws of the society at that time required the payment of annual dues to the amount of ten dollars in order that a member might exercise the right of suffrage. Consequently their application was denied. In 1889 they organized an independent society, which became known as the Anti-Cruelty Society. They were joined by a number of people interested in fighting vivisection. In 1906 the Anti-Cruelty Society was incorporated under the general corporations law.

The society began at once a vigorous campaign for prevention of cruelty, resulting in many prosecutions. This aroused great

opposition on the part of horse-owners, and it was felt by the officers of the society that their activities were regarded with some disfavor by the police authorities. It is believed by the leaders of the Anti-Cruelty Society that the older organization was aroused to greater aggressiveness and that the city itself took a keener interest in humane work as a result of the new movement. However that may be, it is true that the effective work on the part of the mounted squad was begun at about the time of the incorporation of the Anti-Cruelty Society. Through the combined efforts of the police and of the humane societies the downtown district of Chicago was pretty thoroughly rid of flagrant violations of anti-cruelty laws.

In course of time the Anti-Cruelty Society became less active in prosecutions and began to turn its attention to what was deemed more constructive work. The principles actuating this organization are set forth by the secretary as follows:

"Success in social work, whether in behalf of our own species or in behalf of our humbler brothers, is conditioned upon the adoption of correct and progressive principles, the same as in business life.

"As long as we permit criminals and the physically incompetent to propagate, and the ignorant to live in environments of evil and raise their children under evil conditions, we are not dealing with vital causes. As long as we tolerate the ownership and control of animals by people of known vicious propensities under conditions that are bound to result in cruelty, we are not striking at the root of cruelty to animals.

"It is high time that humanitarians recognize that they must adapt their remedies to the nature of the evil and to the temper of the day. The prosecution theory worked very well in the days of Henry Bergh, but our best social thinkers are beginning to realize that force and repression in dealing with crime in all its various phases is sadly negative in its results. Checkmating wrong inclinations is not nearly as effective as opening new and better avenues for the use of forces that are intrinsically good.

"And it is no answer to say that all of this will be accomplished in due time by the forces of humane education. We must define humane education in terms of practical, constructive systems of work that will point in the right direction.

"A small beginning along this line has already been made by the erection of fountains, the improvement of streets, and the

inauguration of the Work Horse Parade. Useful as the latter may be, it falls far short of what can be done by an Animal Welfare Exhibit extending over several days after the fashion of the Child Welfare Exhibit, where all phases of proper feeding, harnessing, shoeing, and other practical treatment of animals may be brought home to the average man in a way that will make an indelible impression upon him. Stable inspection, teamsters' schools, and general lecture work must be inaugurated to accomplish the greatest good to our four-footed friends.

"In order to do this, humane work must be lifted out of the realms of emotion and be placed, together with other modern benevolent work, upon a scientific basis. If that is done, we may in the course of time effect upon human character that refining alchemy which Luther Burbank has brought about in the vegetable world by scientific grafting.

"In organizing our activities along these lines, however, it is absolutely indispensable to examine humane work in its broadest aspect as affecting man and beast. We must recognize the fundamental principle which has so long been ignored by societies for the prevention of cruelty in this country, viz.: that there are hundreds of benevolent societies in the city and country all trying to promote human comfort, happiness and intelligence, and that wherever human conditions are improved through charitable and educational propaganda, there, *ipso facto*, the conditions for animals are likewise improved. For instance, better housing conditions invariably bring better stabling conditions; better and cleaner streets bring less overloading; a keener sense of justice to the teamster brings about a better treatment of his horse. Again, more and better playgrounds, greater educational facilities for developing normal and healthy childhood, bring about a greater sense of obligation to those who are unable to help themselves. Higher standards of the consumer generally lead to improved conditions surrounding the slaughter and transportation of animals.

"It therefore becomes incumbent on anti-cruelty advocates to so outline and administer their work that it will touch other benevolent associations at the greatest number of points of contact, in such a manner that the humane cause may be strengthened and re-enforced. This can best be done by studying the reports of the Conference of Charities and Correction and by discussion with those who are leaders in other lines of benevolent endeavor, showing them the necessity of working from below as well as from above, to the end that reform may be thorough and symmetrical. I firmly believe that if this is done we can rely upon such associations to give our cause that moral support in matters

of up-to-date legislation in time of need. The failure of doing so, in my estimation, has been responsible for the defeat of practically all modern legislation tending to improve the conditions of our dumb friends. There is no exclusiveness in humane work and no one set of individuals has a monopoly in doing good; for while industrial trusts are forbidden by man, the benevolent trust is commanded by God.”¹

At the present time the Anti-Cruelty Society does not report many prosecutions. The reports for the three years 1911, 1912 and 1913 as to the number of prosecutions are as follows:

1911.....58; 1912.....57; 1913.....92

The amounts imposed as fines, including costs, were as follows:

1911.....\$370; 1912.....\$417; 1913.....\$583

The kind of cases with which the society has dealt can be illustrated by two or three examples. On March 28th, 1913, a complaint was registered at the office of the society about a cockfight which was to take place the following Sunday on the border of Cook County, at a little place called the Sag. An investigator was sent up and found that twenty-one separate fights were held that day in the rear of the Sanitary Buffet. On the following Sunday some officers of the society visited the scene with a view to arresting the participants in this sport. The presence of the officers was in some manner detected, so that no fights were held on that day. The officers of the society are constantly on the watch to prevent such occurrences; but they declare that “the secrecy with which these fights are carried on and the interest which some people higher up display in this gruesome sport makes it very difficult to catch these fellows in the act.”²

In June, 1913, a complaint was made that some Greek peddlers had been observed in cutting off the tail of a little dog, as well as that of a cat. Repeated attempts were made by the secretary and officers of the society to locate these Greeks, who drove off early in the morning and returned late at night. A number of cats with tails chopped off were found in the barn, but the entire colony denied the ownership and pretended not to be able to

¹ Annual Report of the Anti-Cruelty Society, 1912, pages 10-12.

² Annual Report, 1913, page 18.

speak English. Finally the barn was raided in the evening and three of the culprits were caught. After trial the following morning they were fined \$25 and costs. They pleaded ignorance and a foreign custom in defense of the action.¹

The following case is reported in the Fourteenth Annual Report (1913) of the Anti-Cruelty Society on page 18:

"On October 1st, 1912, a prominent team-owner appealed to the society on behalf of one of his horses which the driver had struck over the head with an airbrake coupler weighing about eight pounds and completely flattening out the horse. A warrant was at once secured for the arrest of this man, and Judge Williams at the Eastern Chicago Avenue Station fined him \$15 and costs, amounting to \$23.50, which fine was subsequently reduced at the instance of the Teamsters' Union and a woman who posed as a humane worker."

The circumstances which led to a reduction of the fine are not given; but the case illustrates the difficulty often encountered by all humane societies. There are too many interested friends ready to press for leniency in cases deserving severe treatment, and oftentimes the efforts of a humane society are nullified by unwarranted interference of this nature.

The organizers of the Anti-Cruelty Society had felt for a long time that the city pound was not satisfactorily conducted, and that proper care was not taken of the small animals there received. Consequently, when the Anti-Cruelty Society acquired its property at 155 West Indiana Street in 1909, part of it was set aside and equipped as a shelter for stray cats and dogs. The shelter is open daily for the reception of animals between the hours of eight a. m. and six p. m., and at other times in cases of emergency. The society is not authorized to catch stray dogs and cats, and does not undertake to call for stray animals except when it is impossible for those who have the animals in their custody to bring them to the refuge. In view of the expense incident to running the shelter, the society asks for donations whenever animals are received. For animals that are brought to the refuge by the owners a donation of 25 cents is expected in the case of cats and 50 cents in the case of dogs. If the society is called

¹Annual Report, 1914, page 12.

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upon to take away stray animals, the person demanding it is expected to pay 50 cents for a cat and \$1.00 for a dog in addition to carfare.

The regulations of the society in regard to the keeping of stray animals read as follows:

"Stray dogs not seriously diseased or injured or likely to be a source of danger or infection are kept at least five days. Healthy dogs that in our judgment are likely to find good homes—unless given up by their owners with the request that they be killed—are often kept for weeks and even months till suitable homes can be found for them. The same rule with certain restrictions applies to cats; but it must be remembered that a large number of these animals brought to us every week are in such a condition from starvation, injury, old age or disease that the only humane way of disposing of them is to have them chloroformed immediately. Healthy cats that are likely to be reclaimed are kept for several days and longer if they are likely to be desirable pets in new homes. As we receive a great many cats, the number we can keep in health and comfort for any length of time is necessarily limited."¹

The society does not set a price on dogs or cats taken from the refuge; but whoever takes an animal is expected to make a donation, which in the case of dogs should be at least 50 cents. For valuable animals a larger sum is expected. Before surrendering an animal to an applicant the society requires a signed agreement to the effect that it shall be cared for humanely and returned to the refuge if the owner claims it or if it is no longer desired. The society also insists on a promise from the prospective owner of a dog to secure a license if it is to remain within the city and to comply with the city ordinances respecting the care of the animal.

The following table indicates the work of the refuge in three recent years:

| | 1911 | | 1912 | | 1913 | |
|-------------------|------|------|------|------|------|------|
| | Dogs | Cats | Dogs | Cats | Dogs | Cats |
| Received..... | 648 | 666 | 802 | 849 | 994 | 839 |
| Destroyed | 369 | 617 | 441 | 741 | 504 | 653 |
| Homes Found | 273 | 45 | 350 | 102 | 486 | 170 |

¹Annual Report, 1914, page 18.
(229)

It appears from these figures that the disposition of stray cats is a perplexing problem. Not only are these animals objects of pity, but they are a public nuisance, and a menace to the public health and comfort. Their number is almost countless, and as yet no satisfactory way has been found to dispose of them. Indeed, calls for the disposition of stray cats are so numerous that the Anti-Cruelty Society makes no effort to answer them. Those who discover cats or who own cats which they wish to get rid of are requested to bring the animals to the refuge.

The Anti-Cruelty Society has also endeavored to do something in the way of humane education. This has taken the form of lectures and addresses delivered at various clubs and associations and at teachers' institutes. In 1912 representatives of the society visited 156 schools in the interest of humane education and an effort was made to introduce "The Manual of Moral and Humane Education," written by Mrs. Hugo Krause, as a text-book. This manual has been ordered by schools and humane societies and libraries in many cities throughout the country and has been adopted at one technical and two normal schools. The society's headquarters have from time to time been the meeting-place of children in the neighborhood for the purpose of interesting them in kindness to animals. The society has been handicapped by lack of funds and at the present finds it is unable to do very much direct educational work.

The Anti-Cruelty Society is not so fortunate as the Illinois Humane Society in having a large endowment. It depends upon dues, donations, refuge fees, etc. The last published financial statement, for the year ending March 28th, 1914, is as follows:¹

¹ Fifteenth Annual Report of the Anti-Cruelty Society, 1914, page 9.
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| | <i>Income</i> | | | |
|----------------------------------|-----------------|----------------|------------------|------------|
| | General Fund | Refuge Fund | Building Fund | Total |
| Dues | \$2,804.00 | | | |
| Donations..... | 1,838.00 | \$1,087.00 | \$100.00 | |
| Miscellaneous | 1,013.50 | | | |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| | \$5,655.50 | \$1,087.00 | \$100.00 | \$6,842.50 |
| | <i>Expenses</i> | | | |
| Salaries | \$3,556.17 | \$1,020.00 | | |
| Light and fuel | 100.77 | 99.81 | | |
| Postage | 180.00 | | | |
| Equipment and repairs..... | 3.65 | 4.15 | | |
| Automobile repairs..... | 25.00 | 164.63 | | |
| Advertising | 17.00 | | | |
| Stationery and Printing | 328.65 | 9.00 | | |
| Telephone | 147.04 | 5.15 | | |
| Interest on mortgage. | 175.00 | | | |
| Transportation..... | | 97.50 | | |
| Fountain repairs..... | 17.93 | | | |
| Food | | 136.58 | | |
| Sundry | 309.21 | 136.55 | | |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Income in excess of expense..... | \$4,860.42 | \$1,673.37 | | \$6,533.79 |
| Expense in excess of income..... | 795.08 | \$100.00 | | 308.71 |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| | \$5,655.50 | \$1,087.00 | \$100.00 | \$6,842.50 |

4. THE STATE HUMANE ASSOCIATION

The history of the Illinois Humane Society was in a measure repeated in the case of the Anti-Cruelty Society. As the younger organization in its turn became less aggressive and more conservative, again there arose a movement of protest and again the protestants were women. They soon developed into separatists and first sought to identify themselves with the Illinois Humane Society; but finally, in 1911, they organized a society of their own called the Society of Humane Friends. In 1913 the name was changed to the State Humane Association. It was never incorporated. As is usual under such circumstances, the new society displayed at the first a most vigorous activity, and it is testified by representatives of the older organizations and by some public authorities that members prosecuted their work with more zeal than discretion. On several occasions it is asserted

their influence tended to hinder rather than to promote humane work. It is a fact that at one time during proceedings in court the presiding judge felt it necessary to fine the president of the State Humane Association for contempt of court. In spite of criticism and of some unfortunate circumstances, it appears that this group of women did accomplish some good. They at least succeeded in throwing the lime-light upon humane work and upon the activities of humane societies in general, thus creating a publicity which was not without its advantages. It does not appear, however, that they ever won very wide or substantial support, and during the past few months the office of the society in Chicago has been abandoned and its work discontinued.

5. THE STATE SOCIETY FOR THE PREVENTION OF CRUELTY

Early in 1915 another name was added to the list of humane societies in Chicago. This was the State Society for the Prevention of Cruelty, incorporated. To a certain extent it may be said that this organization takes the place left vacant by the departure of the State Humane Association. Although there is no evidence of the violent antagonism towards the older organizations displayed by the State Humane Association, there are certain respects in which this new society disagrees with the principles and practices of the Illinois Humane Society and the Anti-Cruelty Society. The leaders of the State Society for the Prevention of Cruelty do not disbelieve in prosecution; but they think that it is an instrument which could be used with even greater discrimination than has been customary in Chicago. Their policy is to issue warnings and to depend upon the general membership of the organization for its support and for the accomplishment of its purposes. It is hoped thus to scatter broadcast the seeds of humane education so that in the natural course of events prosecutions will become less and less necessary. The following list of suggestions and warnings appears upon a printed notice which is to be handed to offenders on the streets:

1. This horse must be examined by a veterinary at once.
2. This harness must be in proper repair for further use.
3. The shafts of this wagon must be repaired to protect the horse.

4. Put shoe on this horse at once. Do not pull a load without.
5. Use only proper nose-bag on this horse. Discard old one.
6. Use no saddle on this horse that rests on raw galls.
7. Use no collar on this horse that rests on raw galls.
8. Call driver's attention to use whip less on this (). Hitch.
9. This horse stood minutes without a blanket.
10. No weight was on the hitch at They may become frightened.
11. Groom this horse before further use on public streets.
12. This horse interferes. You must protect same at once.

The notice further declares that the State Society for the Prevention of Cruelty "will prosecute without further warning, in any case, where these laws are violated, and where it is apparent that any reasonable person ought to have known that he would be guilty of such violation." Upon the back of this notice are printed brief extracts from state laws and city ordinances relating to cruelty to animals.

It is too early to form a judgment as to the success of this society. Its ideals certainly are commendable. Without doubt, education is the ultimate solution of the problems now confronting humane workers. But for immediate results too great dependence should not be placed upon so-called educative methods. There is still a large field for the application of repressive and corrective measures. Furthermore, as has been already explained, it is not usual for the best results to be accomplished by members of humane societies acting merely in their capacity as private citizens and performing humane work as an incidental avocation. There is a demand for experts whose profession is the prevention of cruelty. For the present, therefore, it would not be well to rely exclusively upon methods in humane work as represented by the State Society for the Prevention of Cruelty. It is likely, however, that this society will prove a most useful auxiliary force. Its usefulness will be measured by the extent to which it is able to enlist volunteers and to keep them actively interested.

6. HUMANE WORK IN ILLINOIS OUTSIDE OF CHICAGO

The prevention of cruelty to animals in the state of Illinois outside of the city of Chicago has to a large extent depended upon the influence of the Illinois Humane Society. Branch societies have been organized in various sections of the state, and at the present time there are 33 societies working in 27 counties. Twelve of them are incorporated. In addition, the society appoints special agents for small communities, who report directly to the headquarters of the society in Chicago. The society has 37 such agents at the present time. Experience has led the Illinois Humane Society to the belief that in small communities a system of personal representation is more effective for the prosecution of the work of preventing cruelty than a system of branches. Consequently, the officers advise that a resident of the locality be appointed special agent of the Illinois Humane Society to look after all cases of cruelty. As a plan of organization, they suggest that a number of representative people of the community, who are not only friendly to the cause, but who are anxious to see some organization established, be invited to meet for consultation and for the formation of plans. After the meeting has been duly organized those present should select by vote some competent person to act as special agent. After his selection has been certified by the chairman of the meeting, a formal request should be made to the parent society in Chicago that the person named be appointed as special agent. The society acts promptly upon such application and issues the appointment if it approves the selection. Upon the receipt from the parent society of this confirmation it is customary for those who have joined the movement to meet again and choose an auxiliary committee not over nine in number, who may be called upon from time to time by the special agent for counsel and assistance in the prosecution of his work. The following is the form of petition for the appointment of a special agent:

"The undersigned residents of and vicinity, in the county of and state of Illinois, hereby request the Illinois Humane Society to appoint of said to act as its special agent, for the prevention of cruelty to children and

animals within the said county, subject to the constitution, by-laws and rules of the society.

Dated at

The active societies as well as the special agents submit reports each year to the Illinois Humane Society upon the work accomplished in their respective localities. There are in all 70 societies and agencies throughout the state; but not all of them are active and only a part of them submit annual reports. In 1914 reports were received from 30 societies and agencies working in 26 counties of the state. These reports showed that during the year 1,463 complaints of cruelty to animals were attended to, 1,403 animals were relieved, 435 animals were humanely destroyed, and 66 persons were prosecuted for cruelty to animals. In 1915 reports were received from 44 societies and agencies working in 31 counties of the state. The table on the following page indicates the character of these reports.

It is obvious that there is still a large field for the extension of humane work in Illinois. There are 101 counties in the state, but real work is being done in only about 40 of these counties. The chief need seems to be in the southern counties among the mining and rural districts. The difficulty of carrying on the work of these sections has been two-fold. In the first place there is a perennial lack of funds, and in the second place there is a lack of local interest. It has been pointed out in connection with the work in New York State¹ that although large population centers present the most complex problems for humane work, it is possible to arouse public sentiment in cities to an extent which is impossible in rural districts. Consequently, although humane problems in the country, as a rule, are in themselves comparatively simple, it is only with the most strenuous efforts even under favorable circumstances that a sufficiently active public interest can be excited to deal with these problems. So in a majority of the counties of Illinois the public pulse is very sluggish and it would require a powerful stimulant to quicken it into

¹ Bulletin of Social Legislation, No. 3—see, ante, foot note, page 1.
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| <i>Name of Society or Agency</i> | <i>County</i> | <i>Animal Work</i> | | | |
|---|-------------------|--------------------|------------------|---------------------------|----------------------|
| | | <i>Com-plaints</i> | <i>Re-lieved</i> | <i>Humanely Destroyed</i> | <i>Prosecu-tions</i> |
| Alton Branch Society | Madison | 17 | 45 | 40 | 2 |
| Boone Co. Br. Society..... | Boone | 100 | 50 | 12 | 6 |
| Bloomington Humane Soc. (Inc.) | McLean | 70 | 26 | 11 | 8 |
| Canton Humane Soc. (Inc.) | Fulton | 20 | 23 | 13 | 8 |
| Carroll Co. Humane Soc..... | Carroll | 6 | 8 | 2 | |
| Champaign Co. Humane Soc. | Champaign | 96 | 42 | 21 | 11 |
| Chicago Heights Br. Soc..... | Cook | 37 | 6 | 8 | 5 |
| Carpentersville, Fred Pertit, Sp. A. | Kane | 1 | 1 | 1 | |
| Dixon, Wm. G. Kent, Sp. A. | Lee | 12 | 6 | 5 | 2 |
| Downers Grove, Jacob Klein, Sp. A. | Du Page | 2 | 1 | 2 | |
| Edwardsville Humane Society.. | Madison | 40 | 39 | | 2 |
| Elgin Humane Society | Kane | 40 | 30 | 7 | |
| Evanston Humane Society | Cook | | | No detailed report | |
| Effingham, Geo. Austin, Sp. A. | Effingham | | | No detailed report | |
| Ford Co. Humane Society (Inc.) | Ford | | | 3 | |
| Geneseo Auxiliary Committee.... | Henry | 2 | 2 | | |
| Grayville, E. F. Johnson, Sp. A. | White | | | No detailed report | |
| Harvard Br. Society..... | McHenry | | | No detailed report | |
| Joliet Humane Society..... | Will | 300 | | 15 | 3 |
| Kankakee, Wilber Reed, Sp. A. | Kankakee | 187 | 37 | 13 | 1 |
| Lake Co. Humane Society | Lake | 41 | 41 | 4 | 1 |
| McDonough Co. Humane Soc. | McDonough | 10 | 10 | 2 | |
| Mt. Carmel, D. L. McClintock, Sp. A. | Wabash | 60 | 102 | 40 | |
| Mt. Vernon, Geo. E. Green, Sp. A. | Jefferson | | | No detailed report | |
| Oak Park, F. M. Krueger, Sp. A. | Cook | 7 | 57 | 50 | |
| Ottawa Br. Society, E. C. Swift, Pres. and Sp. A. | La Salle | | | No detailed report | |
| Pana, W. F. Fisher, Sp. A. | Christian | 3 | 2 | 2 | |
| Peoria Humane Society (Inc.) | Peoria | 150 | 60 | 30 | |
| Princeton, W. I. Kendall, Sp. A. | Bureau | 12 | 22 | 1 | |
| Quincy Humane Society (Inc.) | Adams | 200 | 450 | 30 | 25 |
| Rochelle, Mrs. James C. Fesler | Ogle | 10 | 2 | 1 | |
| Rock Island Hum. Soc. (Inc.) | Rock Island | 159 | 129 | 16 | 8 |
| Shelbyville, Mrs. H. C. Hamlin, Sp. A. | Shelby | 13 | 9 | 4 | 1 |
| Springfield Humane Soc. (Inc.) | Sangamon | 90 | 90 | 439 | 8 |
| St. Charles, M. E. Sinton, Sp. A. | Kane | 35 | 46 | 11 | 2 |
| St. Clair County Humane Society, (Inc.) | Clair | 24 | 31 | 15 | 12 |
| Thawville, Peter Wallis, Sp. A. | Hoquois | 2 | 8 | 7 | |
| Wheaton, Wm. F. Valette, Sp. A. | Du Page | | | No detailed report | |
| Winnabago Co. Humane Society (Inc.) | Winnebago | 256 | 353 | 258 | 3 |
| Winnetka, Waino M. Peterson, Sp. A. | Cook | 3 | 33 | 30 | 1 |
| | | 2,005 | 1,761 | 1,093 | 109 |

activity. The scheme of organization for the appointment of special agents as outlined above is scarcely adequate. That

scheme presupposes a certain degree of local interest in humane matters. Where this interest is entirely lacking there is no one to take the initiative. In some communities a very slight interest, even though no larger than a grain of mustard seed, might be nourished into a healthy growth. But in many of these Illinois counties there is slim chance for even a grain of mustard seed. It is, of course, desirable that the humane movement in a given locality should spring from within; but sometimes it becomes necessary for the proper influence to be imposed by an outside force. It appears that in Illinois there is need for heroic measures. Only a most vigorous and persistent campaign can begin to accomplish the work which ought to be done in the outlying regions. This would entail considerable expense on the agency which undertakes it. A special plea should be made by some organization for generous donations to be devoted to humane work in the sections of the state where it is now almost unknown.

7. ORGANIZATION OF HUMANE WORK IN ILLINOIS

In so far as there is a general organization of humane work in Illinois, it has been accomplished under the leadership of the Illinois Humane Society. The branch societies have been organized through its efforts and they make their reports to the parent organization. The Illinois Humane Society is to be commended for having endeavored to spread the work so widely. It has been seen, however, that large portions of the state are as yet almost untouched; and it is at least questionable whether any single private society could be expected successfully to carry on the humane work of an entire state. The practical difficulty which stands in the way of such an achievement is financial. Private societies depend upon membership dues and donations, and it is only natural for the benefactors of such societies, as well as for the regular members, to desire that the moneys be so expended that they can themselves witness the results of the work. It is not easy to raise enough money even for local purposes; and it is still less easy to secure money from the residents of a single city to be expended at the discretion of the society in remote parts of the state. It is, however, practically impossible to secure from thinly-settled sections enough money to carry on the work in their respective localities.

It was exactly such a situation as this which led to the establishment of the State Bureau of Child and Animal Protection in Colorado. The question arises whether such a step is necessary or would be desirable in Illinois. No doubt is entertained as to the efficiency of the Illinois Humane Society. That is sufficiently demonstrated by the work already done. It is only the large un-worked field which suggests that perhaps some new step may be advisable. If the Illinois Humane Society could call upon all parts of the state for contributions to a general fund which could be applied according to the relative needs of different counties, the problem would be solved. But of course such a private corporation has no authority to levy such contributions. It depends upon voluntary gifts. It is true that the Illinois Humane Society has a substantial income from permanent investments; but this income is no more than is needed for the work in hand. If the present situation represents the best that can be done under the present organization of humane work in Illinois, the conclusion is that the present organization is not entirely satisfactory. It is not urged here that the formation of a state bureau like that in Colorado is necessary, but it is greatly to be hoped that humane workers in Illinois will give the matter serious consideration and make some new effort to meet existing needs.

There is a State Humane Agent, appointed by the governor, who has jurisdiction over institutions which harbor children; but inasmuch as the humane societies in Illinois do not as a rule maintain such institutions, the jurisdiction of the State Agent does not reach them directly, and in any case it would not extend to the animal work of the societies. In the legislature of 1915 a bill was introduced (House Bill No. 723) placing charitable agencies under state control. This bill called for an annual license to be granted by the state board of administration after investigation of the work and finances of the institutions during the previous year. The bill did not pass the house and was not introduced in the senate. This bill, however, seemed designed especially for organizations dispensing charity to persons, and it is doubtful whether its control would have extended to societies for the prevention of cruelty to animals. In any case it did not provide for any further extension of the work, but merely contemplated a control of existing agencies.

In the city of Chicago social work in general has been somewhat centralized by the Social Service Registration Bureau working under the United Charities of Chicago. There are now about 100 public and private agencies registered. This registration bureau acts as a sort of clearing-house for social work and seeks to prevent unnecessary duplication of effort. The general opinion of those directly connected with the bureau and others who have studied it is that it is one of the most valuable agencies contributing to the efficiency of social work in Chicago. This is a step in the right direction; but it does not meet the situation described above.

The Chicago Association of Commerce has in recent years undertaken a work which should prove most beneficial. In 1911, at the instance of a number of business men in Chicago, the mayor of the city asked the Association of Commerce to appoint a committee for the investigation of philanthropic and charitable organizations. Accordingly a committee of thirteen members of the association was appointed, called the Subscriptions Investigating Committee. This committee each year investigates the philanthropic and charitable organizations of the city of Chicago and publishes a list of those which it deems worthy of support. The following conditions must be met by organizations who seek approval:

1. The organization must be incorporated and have responsible and satisfactory local management. Its administrative committee or board of managers shall meet at least four times a year.
2. The organization must be doing a work whose value is commensurate with the amount of money expended. (The auditor's report may be satisfactory, yet the philanthropic work may be inefficient or so useless to the community that its support is not justified.)
3. The organization shall agree to co-operate with other charitable institutions in promoting efficiency and economy of administration in the charities of the city as a whole and in preventing duplication of effort. Those organizations engaged in relief work shall register their cases with the social service registration bureau.
4. The organization shall fill a need not already well filled by an existing organization and not capable of being thus filled. Those who desire to inaugurate new philanthropic organizations

should give full opportunity for the discussion of the proposed plans by a group, or groups, of persons who have had wide experience in philanthropic work.

5. The methods employed in raising funds shall be approved by this committee. The committee will refuse endorsement when an excessive percentage is paid to collectors, or when the expenses of an entertainment are disproportionate to the receipts.

6. The accounts shall be audited annually by public accountants.

Investigations are confined to the strictly local institutions seeking subscriptions. Investigations do not extend to churches, missions or organizations whose work is primarily religious, nor to fraternal lodges, social clubs, business and trade unions, organizations or similar enterprises soliciting funds, advertisements or membership fees.

The committee makes the following suggestion as to organizations not yet endorsed:

"On receiving appeals for funds, either by letter or personal application from an organization not endorsed by the Association of Commerce, the contributor is requested, in preference to writing or telephoning the Committee, to advise the representative of such organization to call at the headquarters of the Chicago Association of Commerce for a copy of the Application of Endorsement Form, when every effort will be made to explain the requirements of the Committee. If this has already been done and the endorsement not issued, it implies that the requirements of the Committee have not been complied with, and in that case the Committee will be unable to do anything further until the organization reaches the necessary standard, immediately after which it will be endorsed. It will be impossible to send out detailed statements concerning organizations not endorsed."

The classification of institutions investigated by the committee is as follows:

1. Homes for children and home-finding agencies.
2. Homes for old people.
3. Medical charities—hospitals, dispensaries, etc.
4. Miscellaneous organizations.
5. Nurseries.
6. Reform and civic-betterment organizations.
7. Relief and benevolent organizations.
8. Social settlements, boys' clubs, recreation centers.

The first list of endorsed societies was published in 1912, and the list has been published annually since that time. The endorsement covers a period of twelve months extending from November 30th to November 30th. The certificate of endorsement is made in the following form:

No. This is to Certify That
THE CHICAGO ASSOCIATION OF COMMERCE
SUBSCRIPTIONS INVESTIGATING COMMITTEE
has investigated
SPRINGDALE HOSPITAL AND DISPENSARY.

The Committee believes it to be worthy the support of those who desire to further its aims.

... (Signed) HENRY STEWART
Secretary, Subscriptions Investigating Committee.

This Endorsement
Covers the Period
Extending from
Nov. 30, 1914,
to
Nov. 30, 1915.

The Bearer, whose signature appears below,
is authorized to solicit funds for this organization.

... (Signed) FREDERICK R. BROWN ...
*Signature of the Executive
Officer of Organization.*

... (Signed) GEORGE C. SMITH
Signature of Solicitor.

Payment by check to the order of the organization is recommended.¹

Each year seven or eight thousand copies of the endorsed list are sent out to people who may be interested in charitable work. The most of them are of course distributed in the city of Chicago.

Humane societies are grouped under class 6, as reform and civic-betterment organizations. For the period ending November 30th, 1915, the committee placed its stamp of approval upon the Anti-Cruelty Society and the Illinois Humane Society. The State Society for the Prevention of Cruelty was not in existence at the time the list was published.

The value of such a system of endorsement is clear. Very

¹ Stamped across the certificate, the following: "This endorsement expires November 30, 1915.

often philanthropists are at a loss to know whether organizations asking their help are trustworthy and will make wise use of moneys which they might receive. The certificate of the Subscriptions Investigatng Committee of the Association of Commerce is at least *prima facie* evidence that the applicant is worthy of support. Such a certificate, however, will not necessarily turn contributions into any particular channel, and it is not likely that the endorsement of the committee will bring any material increase in donations to the humane societies. In other words, although the certificate of endorsement gives the humane societies a good standing and assures contributors of their worthiness, it does not solve the problem which we have found in Illinois. If the work in the outlying districts is to be done by existing organizations, some means must be devised to increase their income for this particular purpose. If this is impracticable, then some other agency must be discovered to carry out the work. Such an agency would need an assured income, which means either a large endowment or a regular and generous appropriation by the state legislature. It is doubtful whether a state bureau organized merely for the purpose of carrying on humane work in the neglected counties would fit in with the present scheme of things. The dignity of a state board would almost necessarily demand a state-wide jurisdiction with powers of control over all existing humane organizations. To what extent a proper co-operation between such a board and these societies could be secured, is problematical. It is possible that the creation of a state humane bureau with state-wide jurisdiction would in the minds of some people remove the necessity for the existence of private humane societies and would thereby result in such a diminution of revenue as to cause their abandonment. Such a move would surely meet with strenuous opposition, since the two leading organizations of the state, and especially the Illinois Humane Society, are old, established institutions. If it were desirable to make a state department of humane work, a logical procedure under the circumstances would be to follow the example of Colorado and constitute one of the existing societies the state bureau. Here again a difficulty would be encountered, for the friends of the two leading societies would naturally desire to have this honor

bestowed upon their respective organizations. If a merger could be accomplished and all the agencies working for the prevention of cruelty could be consolidated, the matter would be greatly simplified. Unfortunately, rivalry between humane societies is almost as keen as that found in the field of commercial enterprise. The origin and historical relations of the Chicago societies would argue against the possibility of such a consolidation, but much of the unfriendliness formerly manifested has disappeared and today the societies have been able to work together with a certain degree of co-operation. Consequently, it is to be hoped that if the formation of a state department should seem wise an arrangement could be made which would be satisfactory to all concerned. If the scheme of consolidation could not be consummated and it became necessary to select some one society to act as a state agency, the logical choice, because of age and prestige, would be the Illinois Humane Society.

The writer is not prepared to argue that such a step is necessary. It is quite possible that in due time the work will be so developed as to reach all parts of the state; and if prospects of such a result can be discovered, there is no need to disturb the present arrangement. There is a slight and gradual increase in the number of societies in the state; but the chief manifestations of renewed zeal in humane work are in Chicago. The formation of the Anti-Cruelty Society, of the State Humane Association and of the State Society for the Prevention of Cruelty illustrates this fact. This is of course natural, for the city of Chicago presents the largest opportunities for such work. It can scarcely be said that Chicago is overrun by humane workers; but it would seem desirable that some of this energy be more evenly distributed throughout the state. This cannot be done unless there is some authority with power to apportion expenditures and to direct the work in every quarter. The need of some such controlling influence is felt even in New York State where well-organized societies are pretty well distributed. The need is even greater in a state where the tendency seems to be towards concentration of humane efforts in one place.

II. HUMANE WORK IN COLORADO

I. COLORADO HUMANE SOCIETY

The Colorado Humane Society was organized in 1881 and incorporated in the same year under the general corporations law. Its policy was first to secure the passage of laws for the benefit of children and of animals, then to see to it that these laws were enforced. The usual powers necessary to these ends were conferred upon it by the legislature. The by-laws of the society provided that the directors should be chosen annually by the members, and that the officers of the society should be elected by the board of directors. For a few years the society was active and made progress; but from the outset it had been difficult to secure sufficient financial support. By 1885 the organization found itself without resources and the work dropped almost to nothing. One or two individuals thereupon determined to accomplish a reorganization and a notice was published in the newspapers calling for a meeting of those who might be interested. When the meeting was called to order fifteen were present. The business of reorganization was immediately carried out, and the fifteen persons present became the directors of the rejuvenated society. A secretary was hired and the work was prosecuted with renewed vigor. In the course of time, however, public interest again fell off, revenues decreased, and the board of directors dropped from fifteen to five. So in the winter of 1896 another reorganization became necessary, subscriptions were increased, newspapers became interested, and the society secured the co-operation of the prosecuting attorney and other public authorities.

In spite of the improvement thus brought about the situation was far from satisfactory. Several branch societies had been established and volunteer agents had been appointed throughout the state; but of course the central office of the society was in Denver and practically all of the financial support for the work came from a few interested citizens of that city. Thus, although the Colorado Humane Society was a state organization designed

to operate in all parts of the state, and although the branch societies in their charters granted by the state society had been given ample powers, and volunteer agents had been duly authorized to represent the society in their respective localities, as a matter of fact the lack of necessary means confined its activities almost entirely to the city of Denver. It was felt by the officers of the society that it was not a charitable or benevolent organization but an arm of the law, and as such should be supported by general taxation. Accordingly, bills were introduced in the legislatures of 1897 and 1899, designed to make the society an official state agency supported by legislative appropriations. Because of apathy, rather than active opposition, the bill each time failed to pass. Finally, in 1901, after considerable agitation, sufficient interest was aroused to secure the passage of a law constituting the Colorado Humane Society a State Bureau of Child and Animal Protection.¹

2. THE STATE BUREAU OF CHILD AND ANIMAL PROTECTION

The act did not change the organization of the society, nor did it in any way interfere with its internal affairs. Those are still controlled by its by-laws. The act, however, provided that the governor, the superintendent of public instruction and the attorney general should be *ex-officio* members of the board of directors of the bureau. It was made the duty of the bureau to secure the enforcement of the laws for the prevention of wrongs to children and dumb animals, to assist in organizing societies and appointing agents for the enforcement of laws for the prevention of such wrongs, and to promote the growth of education and sentiment favorable to the protection of children and dumb animals. It also provided that the bureau should hold annual meetings at the state capitol for the transaction of its business and the election of its officers, and for the consideration of questions relating to child and animal protection, and that the bureau should make annual reports to the secretary of state in regard to its work, which the secretary of state should publish in pamphlet form and distribute to certain of the state and county officers, newspapers, and state and educational institutions. It also pro-

¹ Laws of 1901, Chapter 84.
(245)

vided that if the Humane Society should accept the provisions of the act they should certify their acceptance of the same to the secretary of state and the state auditor. The law was accepted by the society and straightway went into effect.

Inasmuch as questions have been raised as to the constitutionality of this act, it would perhaps be well to dispose of them at this point. The matter was first brought to issue in 1908, when George D. Statler, State Auditor, refused to honor the voucher of the State Bureau of Child and Animal Protection. The bureau thereupon brought suit for a writ of mandamus in the district court of the city and county of Denver before Honorable Carlton M. Bliss, Judge of the District Court. The attorney general, representing the state auditor, questioned the authority of the bureau to receive its appropriation, claiming that it was not constitutionally capable of receiving the benefits thereof, and argued that under section 34, article V of the constitution no appropriation could legally be made to the bureau, inasmuch as it was not under the absolute control of the state. Article V, section 34 of the Colorado constitution provides as follows:

"No appropriation shall be made for charitable, industrial, educational or benevolent purposes, to any person, corporation, or community not under the absolute control of the state, nor to any denominational or sectarian institution or association."

Judge Bliss, in his decision granting a writ of mandamus, used the following language with reference to the contention of the attorney general:

"Under the authority of *People v. Spruance*, 8 Colo. 530, there can be no doubt that the relator is constitutionally capable of receiving the benefits of the appropriation, unless that case is considered wholly overruled by *In re Continuing Appropriations* 192. I am of the opinion that the authority of the Spruance case, so far as it relates to the constitutional capacity of the relator to receive the appropriation, is unaffected by the latter case. No such question was involved in the continuing appropriation case."

In the case of *The People v. Spruance*, cited by Judge Bliss, it appears that the Colorado State Horticultural Society, a private corporation incorporated under the laws of the state of Colorado,

was in 1883 by an act of the legislature established as a State Bureau of Horticulture.¹ The act of 1883 also appropriated \$1,000 annually to enable the bureau to carry out the provisions of the act. The auditor refused to pay this sum of money to the bureau, and the bureau sought to mandamus him with reference to this appropriation. One of the grounds of demurrer to the petition in the mandamus was as follows:

"That the society is not of that character which would authorize an appropriation of the moneys of the state in its support in that it is not shown to be a society or institution under the absolute control of the state."

This ground of demurrer, it will be noted, rested expressly upon section 34 of article V of the constitution, quoted above. The court granted the writ of mandamus, and in disposing of this ground of demurrer spoke as follows (on page 533):

"The act of March, 1883, relating to this society, constitutes it a 'bureau of horticulture,' a 'state bureau,' and subjects it to certain requirements, so as to clearly indicate an intention to make it a bureau or institution of the state, for the obvious benefit to be derived by the state therefrom. By said act and its acceptance as aforesaid, it is brought under the control of the state, so far as the legislature has chosen to enact, and if not under its 'absolute' control in respect to the choice of officers and the detail of proceedings within the scope of its purposes, it certainly may be subjected to such absolute control whenever the legislature so chooses. The said society is, therefore, in our opinion, not within the constitutional inhibition referred to, and is constitutionally capable of receiving the benefits of such appropriation. We find nothing in the published reports of the society submitted for our inspection inconsistent with the legitimate purposes of the organization, the legislation relating thereto, or opposed to the views above expressed."

In 1911 Honorable Ben B. Lindsey, Judge of the Juvenile Court of Denver, filed a protest with the state treasurer against the appropriation of \$15,600 made by the eighteenth general assembly for the payment of salaries and expenses of the State Bureau of Child and Animal Protection. His argument was based mainly on article V, section 34, and article V, section 32

¹ Laws of 1883, page 210.
(247)

of the state constitution. This protest with its accompanying brief was submitted by the state treasurer to the attorney general for his opinion. The opinion of the attorney general was rendered on July 20, 1911. In the first place, he calls attention to the fact that the bureau had been recognized by the legislature both in statutes¹ and in appropriation bills. In 1901, 1903 and 1905 the legislature made appropriations for the State Bureau of Child and Animal Protection by special acts. In 1907, 1909 and 1911 the appropriations for this bureau were made in the general appropriation bills and not by separate bills. The appropriation for 1911 and 1912, against which protest was made, appeared in the general appropriation bill of the eighteenth general assembly, as follows:

"Section 21.—Office of State Bureau of Child and Animal Protection.—

| | 1911 | 1912 | Total |
|---|---------|---------|---------|
| Secretary, salary | \$1,800 | \$1,800 | \$3,600 |
| Clerk and stenographer, salary..... | 1,200 | 1,200 | 2,400 |
| Three state officers, salaries..... | 3,600 | 3,600 | 7,200 |
| Traveling expenses of state officers..... | 1,200 | 1,200 | 2,400 " |

Up to that time the appropriations had been paid without protest except in 1908, when, as has been related, payment was compelled by mandamus.

With reference to the first constitutional objection based upon article V, section 34, the attorney general points out the fact that the act constituting the Colorado Humane Society the State Bureau of Child and Animal Protection follows very closely the act of 1883 establishing a State Bureau of Horticulture. The chief difference between the two acts is that while in the case of the Bureau of Horticulture the state had absolutely no representation on the board, in the case of the Bureau of Child and Animal Protection the state has three of its executive officers as *ex-officio* members of the board. Consequently, in view of the decision in *State v. Spruance*, which was followed by Judge Bliss in 1908, the attorney general concludes that his office "would not be authorized to do anything other than to follow the same, until the

¹ Revised Statutes of 1908, sections 554, 558.
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supreme court in some other cases announces a different doctrine."¹

The second objection to the payment of the appropriation was based upon article V, section 32, which reads as follows:

"The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, interest on the public debt and for public schools. All other appropriations shall be made by separate bills each embracing but one subject."

The language of the attorney general's opinion on this point is as follows:

"As stated before, appropriations to the bureau of 1901, 1903, and 1905 were made by separate act, while in 1907, 1909, and 1911 appropriations to the bureau were made in the long appropriation bill, and it is now contended that any appropriation to the bureau contained in the long appropriation bill is invalid, since it contravenes the section last above quoted. It is contended that the bureau is not a part of the legislative, judicial or executive department of the state government; also, that it was ruled in *People v. Spruance*, supra, that an appropriation to a bureau of this nature must be made by a separate bill, and could not be included in the general appropriation bill. It will be noticed that in that case the appropriation was not attempted to be made in the general appropriation bill, and the language of the court that it could not be so included might be subject to the criticism that it was *obiter dictum*. In one comparatively recent case, and in one case much later than the Spruance case, the supreme court of this state has seen fit to define what is and what is not a part of the executive branch of the government."

The two cases alluded to by the attorney general are *Parks v. Soldiers' and Sailors' Home*, 22 Colo. 86, and *People v. The District Court*, 29 Colo. 182. In the first of these cases the court says:

"That every officer of this state, who holds his position by election or appointment and not by contract, and whose duties are defined by statutes and are in their nature continued and relate to the administration of the affairs of the state government and whose salary is paid out of the public funds, is a public officer

¹ Biennial Report of the Attorney General, 1911-12, page 149.
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of either the legislative, executive or judicial department of the government, and may, in the discretion of the legislature, properly have his salary included in the general appropriation bill."

In the second of these cases, on page 192, the court says:

"In the comprehensive sense of the term the state board of assessors is a part of the executive branch of the government, because it is not a part of the judiciary, which construes the laws, nor a part of the legislative department, which makes the laws, and because it is charged with the detail of carrying the laws into effect and securing their due observance."

Upon the second contention, therefore, the conclusion of the attorney general is as follows:

"It can at least be argued in favor of the bureau that it is charged with the detail of carrying the laws into effect and securing their due observance; therefore, that it is part of the executive branch of the government, and from the two decisions cited last above, there is ground for the argument that the bureau is a part of the executive branch of the government."¹

The concluding language of the attorney general with reference to the protest of Judge Lindsey, as addressed to the state treasurer, is as follows:

"Under these circumstances, and in view of the fact that the bureau has been provided for with appropriations from the state for the last ten years, all of which have been paid up to this time, and inasmuch as the last three legislatures have made appropriations in the general appropriation bill, those of 1907 and 1909 having been paid without question, I am of the opinion that anyone seeking to question the validity of this appropriation should do so by an action in court, and until so raised you are authorized to continue the payment of this appropriation."²

Under the present organization of the state bureau the board of directors consists of eighteen members, three of whom are the state officers mentioned in the act creating the bureau. The policy has been to divide the other fifteen members as equally as possible between the two leading political parties. The officers and employees are selected with a view to fitness and experience

¹ Biennial Report of Attorney General, 1911-12, page 150.

² Id. p. 151.

and not because of political affiliations. They are subject to the recall and to civil-service rules as other officers and employees of the state. As indicated in the appropriation bill, the salaried officers are a secretary, a clerk and three state officers. Two of the state officers are occupied mostly with the work in the city of Denver, and the other devotes his entire time to traveling about the state. As occasion demands, he is assisted in this state-wide work by one or both of the other state officers.

Naturally this small force is not adequate to meet the needs of the state. Consequently, great dependence is placed upon the system of volunteer officers which was inaugurated by the old Colorado Humane Society. Any person of good standing and judgment may be appointed as volunteer officer after making a sworn application to the board and getting the endorsement of at least four reputable citizens of his town or county, one of whom must be an official. The application is made in the following form:

(Outside Page) , Colorado,
....., 191..

TO THE STATE BOARD OF CHILD AND ANIMAL PROTECTION:

I hereby make application to be appointed an officer of the Colorado State Bureau of Child and Animal Protection. I agree, if appointed, to familiarize myself with the laws under which the officers of the bureau act; to investigate all cases of neglect or abuse of children and animals which may come to my notice; to take whatever action in each case shall best secure the prevention and punishment of neglect or abuse of children and animals, and the promotion of their welfare; to utilize every opportunity to create humane sentiment, to establish moral and humane education, and to discharge my duties as an officer of the law and of the bureau impartially and fearlessly. I also agree to keep a record of my work and to furnish said bureau with a report of same whenever called for.

Name

Occupation

Street and Number

Subscribed and sworn to before me, a this
day of A. D. 191....

.....
.....

(Read directions at foot of inside page.)

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(Inside Page)

We, the undersigned, citizens of Colorado, being desirous of protecting children and animals in this community and county, hereby recommend as a person of good character and habits, sound judgment, interested in the welfare of dumb animals and children, and well fitted for the position of officer of the State Bureau of Child and Animal Protection. We ask that he be appointed such officer, and we agree to aid _____ in any way in our power in discharging duties as an officer of the law and of said bureau.

| NAME | OCCUPATION |
|------|------------|
| | |
| | |
| | |
| | |
| | |
| | |

One at least of the signers must be an official of the applicant's county or town; there must be at least three other responsible signers, and this application must be dated, signed and sworn to.

If the application and the endorsement are satisfactory, the applicant is granted a commission under the seal of the board and receives as a badge of authority a six-pointed numbered star on which are stamped the words, "State of Colorado, Officer Child and Animal Protection." The form of the commission is as follows:

THE COLORADO STATE BUREAU OF CHILD AND ANIMAL PROTECTION

(The seal of Colorado appears here)

KNOW ALL MEN BY THESE PRESENTS, That I President of the COLORADO STATE BUREAU OF CHILD AND ANIMAL PROTECTION, being thereunto duly authorized by the Board of Directors of said bureau, do hereby appoint and commission

..... of County of and State of Colorado, an OFFICER OF SAID BUREAU FOR THE STATE OF COLORADO.

It is the duty of said officer to familiarize himself with the laws under which he shall act; to investigate all cases of cruelty

to animals, or neglect or abuse of children coming within his notice; to take whatever action in each case shall best secure the prevention and punishment of cruelty to animals and wrongs to children; to utilize every opportunity to promote the welfare of children and dumb animals, and to create humane sentiment, and to discharge his duty as an officer of the law and of this Bureau impartially and fearlessly.

He shall furnish a report of his work to the said Bureau whenever it shall be called for. He shall have no power to contract debts or incur liabilities for the said Bureau. He shall remain in office until his successor shall have been appointed, or his commission revoked.

This commission shall be his authority to act for the said Bureau in all matters herein specified.

Given at the office of THE STATE BUREAU OF CHILD AND ANIMAL PROTECTION, at the State Capitol, Denver, Colorado, this day of A. D.,

Witness my hand and seal of the Bureau.

.....
President.

Attest:

Secretary.

His duty is to enforce the laws for the protection of children and dumb animals; but inasmuch as he is not paid, he assumes no obligation to perform any more service than he feels able or disposed to do. The position of such a volunteer officer in his community is not always an easy one. He works under no external compulsion, but because of his own sympathy for dumb animals and children. In the performance of his duties as a humane officer it often becomes necessary for him to incur the antagonism of friends and neighbors, of his business and political associates, and many times he stands practically alone in his efforts to enforce the laws. This requires no little amount of both moral and physical courage.

Volunteer officers and paid officers all have the same authority under the law. They are officers of the State Bureau of Child and Animal Protection, and consequently as officers of the state their authority is state-wide. Their general powers are as follows:

1. To carry arms.
2. To make arrests.

3. To take possession, by force if need be, of either children or animals if necessary to protect them from abuse or neglect.
4. To hold possession of animals so taken against the owner until necessary expense of caring for them is paid.
5. To condemn and destroy animals, when necessary for their protection, according to the law.
6. To call upon any peace officer to take charge of an animal abused or neglected, or to arrest any person committing such abuse or neglect.

In other words, for the purpose of enforcing laws for the prevention of cruelty to animals and children they enjoy the powers and privileges of peace officers. These powers, however, cannot be used for any other purpose. For example, the officers have no right to go armed except when they are on duty as agents of the State Bureau, and cannot carry arms merely for the purpose of personal self-defence. Some of the powers above specified are given expressly by law,¹ while others, like those of going armed and of making arrests, are given by implication. The law makes it the duty of these officers to enforce the laws and, it is maintained, must at the same time grant the powers necessary to discharge that duty. Furthermore, when the law relating to the power of arrests and the right to carry arms was passed, the State Bureau of Child and Animal Protection did not exist as an official agency upon which certain duties and obligations were imposed by law. Consequently, the bureau and its officers were not mentioned in the act defining the power of arrest and the right to carry arms; but it is reasonable to suppose that the law which made it their duty to enforce the laws intended that they should enjoy such powers and privileges as are usually conferred upon officers engaged in enforcing the law. At any rate, these rights have been exercised ever since the bureau was established and have not been drawn in question.

The law creating the State Bureau of Child and Animal Protection makes it the first duty of the bureau to secure the enforcement of the laws for the prevention of wrongs to children and dumb animals. As has been already indicated, the bureau seeks to accomplish this through its paid officers and volunteer

¹ General Laws, 1908, pages 568-71.
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agents, but has found it necessary to rely to a large extent upon the efforts of the latter. This work covers an area of 104,000 square miles of mountain and plain, containing a population of 799,024.¹ Of this number, 297,058, or over one-third, are living in four cities, so it is apparent that in general the state is very sparsely settled. Many of the inhabitants of the state are miners, ranchmen and farmers, among whom it is not at all easy to arouse sentiments favorable to the prosecution of humane work. In addition to the sparseness of population and the widespread indifference, a further difficulty presents itself in the keeping of large numbers of cattle, horses and sheep upon the ranges. Much of the cruelty to animals in Colorado consists in the suffering to which thousands of animals are subjected upon these ranges in the winter months. A few examples will illustrate the conditions with which the Colorado humane workers have to contend.

In the *Rocky Mountain News* of May 16, 1899, appears an account of efforts made by two men to rescue snow-bound starving horses. Waunita Hot Springs is situated in a wild and mountainous part of the state, and on the mountain-ranges between Waunita and Pitkin the snows drift very deep in the winter. During the late winter months of 1899 Mr. A. G. Ward and his half-brother, a Mr. Bailey, found thirteen horses penned up in a rude enclosure in a small level place on the mountain-side. The animals apparently had been left here to shift for themselves and had been caught in a storm, during which the snow drifted about them so deeply that it was impossible for them to get out, and some of them were so tightly lodged in the snow that they could not move. The animals were in a state of starvation when discovered. Ward and Bailey at once reported their discovery in the town of Doyle, and although several men of that community had lost horses which had strayed away during the winter, none of them would come to the mountains to see if the animals which had been discovered belonged to them. Ward and Bailey thereupon determined upon their own responsibility to save the horses from starving. In order that they might be supported with proper authority, Mr. Bailey wrote to the Colo-

¹ Census of 1910.
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rado Humane Society at Denver and was appointed an agent. For thirty days the brothers climbed the mountain daily on snow-shoes and hauled hay for the horses on a hand-sled. The snow was so deep that it was impossible for even a burro to get through. Under the care of Messrs. Ward and Bailey the horses gradually regained strength, and eight of them were saved alive. The other five, however, died before they could get out of the snow. As soon as they got the horses down to the ranch, Ward and Bailey posted notices, according to the state law, describing the animals and announcing that the owners could recover them upon payment of the expense for keeping which had been incurred by Ward and Bailey. The owners were finally located and a bill for \$13 was sent to each of them. Three of them, however, refused to pay the bill, and in an action in replevin succeeded in regaining possession of their horses.¹ These men were then prosecuted for cruelty to animals, but in a trial before a jury they were acquitted. It would be difficult to conceive a clearer case of cruelty to animals; but apparently country juries in Colorado are no more prone to convict their friends and neighbors than are country juries in the eastern states.

Several years ago the sports of cock-fighting and rabbit-chasing were very common in Colorado. Rabbit-chasing, or rabbit-coursing, as it is called, consists in loosing captive rabbits one at a time to be chased and killed by greyhounds. Two dogs are set upon each rabbit and bets are made as to which of the two dogs will first catch the rabbit. The rabbits used for this purpose in Colorado were formerly imported from Kansas. In the *Rocky Mountain News* of March 23, 1902, appears the following item:

"On March 2d last a coursing meet was held at Union Park in this city. * * * The men engaged in them were warned that they would be prosecuted if they held the meet. Afterwards informations were filed against five of them, and on March 14th they were arrested and placed under bond to appear for trial in the criminal division of the district court.

Another meet for today, at the same place, being advertised by the same persons despite the fact that they are under bond at this time, the Humane Society, the State Board of Child and

¹ 30 Colo. 418, 419.
(256)

Animal Protection, requested the fire and police board to prevent this cruelty. * * *

The cruelty to rabbits begins as soon as they are set down to be pursued. In fear for its life, panting, gasping, running with convulsive leaps, the snapping jaws of its ferocious pursuers just behind, it suffers the torments of death many times in the few moments of its flight before the jaws of the dog close upon it, and it is torn to pieces. The maiming, mangling and killing is only a culmination of its agony and fear, merely a circumstance and aggravation of its suffering. The fire and police board having power to prevent the meet altogether, was asked to do so. The board has refused to do so. It states that police officers will be present, and 'if' there is any cruelty they will interfere."

(Then follows a list of affidavits sworn to by eye-witnesses of the meet on March 2d, describing the suffering of rabbits and indicating that such a meet could not be held without cruelty.)

"The Humane Society, the State Board of Child and Animal Protection, is unable to prevent this by force. The regular officers of the law are the only ones who are able to do that. This statement is given out in order that the community which does not patronize an entertainment of this kind may know just what goes on there and just what kind of a Sunday afternoon entertainment is about to be established.

(Signed) E. K. WHITEHEAD, *Secretary*.

The meet was held as advertised and was attended by three or four hundred persons. The Secretary of the State Bureau of Child and Animal Protection interfered and sought to prevent the loosing of the rabbits; but the sentiment of the crowd was against him, his resistance was overcome, and the coursing went on. The leaders, however, were afterwards arrested and tried before the district court, where they were convicted by a jury. This proved to be practically the end of rabbit-coursing in Denver.

The shooting of live pigeons is another sport which at one time was extremely popular in Colorado, and which the Colorado Humane Society endeavored to stamp out many years ago. Indeed, the secretary of the State Bureau, who was for a long time secretary to the Colorado Humane Society, says he believes that Colorado was the first state to prosecute the shooting of live pigeons with success. The activities of the Colorado Humane

Society resulted in the practical suppression of this form of amusement in the early nineties. Some of the difficulties which have been encountered in attempting to prevent cock-fighting will be pointed out later.¹

Some years ago the Denver *Post* advertised a long-distance horse race to be run from Evanston, Wyoming, to Denver, Colorado, a distance of 500 miles. As soon as the notice appeared in the press the secretary of the State Bureau of Child and Animal Protection called at the office of the *Post* and protested against the holding of such a race. The owners of the paper, however, explained that it was not in reality to be a race, simply a long, hard ride to demonstrate the endurance of western horses, and assured him that there would be no cruelty. It was furthermore agreed that officers of the State Bureau should supervise the run from beginning to end. Accordingly, the secretary of the bureau and two veterinarians followed the horses in an automobile, and as soon as a horse showed signs of exhaustion he was ordered out of the race. This happened several times. The race was conducted in proper order, without injury to any of the horses, as far as Brighton, Colorado, about twenty miles north of Denver. At this point a number of Denver horsemen had congregated for the purpose of stirring up the riders to make the last twenty miles a real race. Under their urging some of the men began to spur on their horses to top speed; but they were at once stopped by the representatives of the State Bureau. The run was concluded without any further trouble, and none of the horses suffered from its effects.

The affair provoked some unfavorable criticism, which appeared chiefly in the columns of newspapers hostile to the *Post*. It is said that some people, who learned of this race through the medium of its critics, got a wrong impression of its character and attacked the officers of the State Bureau of Child and Animal Protection for permitting it to take place. It seems clear, however, that there was no real occasion for adverse criticism and that the result accomplished was the one desired, namely, a demonstration of the enduring qualities of western horses.

¹ See below, pages 62, 63.
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A large amount of the work of the bureau is, of course, done in the state outside of the city of Denver. As has been stated, the bureau relies upon its volunteer officers for the consistent prosecution of its work in the outlying regions. The state agent, however, makes it his business to travel throughout the state on tours of inspection and to answer any special calls which may come for assistance in any given quarter. One might, perhaps, be justified in doubting the efficiency of such a system; but experience has proved it to be on the whole satisfactory. For example, during the past year two of the paid agents took a ten days' trip on motor cycles through the mountains and inspected over 1000 horses and cattle. Only four horses were found in a condition which made it necessary to order them out of work. In one place which they visited there had been no inspection by a state officer for five years. Notwithstanding this fact they found but one horse in poor condition, and this animal was not being worked. The man in charge said his boss had told him never to take any chances in working a sore or lame horse, because he never could tell when a humane officer might come. So, although they had been unmolested for five years, they were taking as good care of their horses as if they were under constant surveillance. In this work of inspection the bureau has enjoyed the co-operation of the railroads of the state, most of which have granted free transportation to the bureau's representatives.

Perhaps the most serious problem in connection with animal work is encountered on the stock ranges where thousands of cattle and sheep are kept. The suffering endured by these animals is not ordinarily due to open abuse, but rather to neglect. During the winter months they are often without proper shelter or sufficient feed—perhaps through no fault of their owner. In a mild winter they may be able to find enough grass on the ranges to keep them alive; but when snow falls they have to dig through the snow for their feed, and if a heavy blizzard comes upon them suddenly they may be caught in the drifts miles away from any human habitation; and there is nothing for them but to starve in the snow.

For a long time efforts have been made to induce the stock-owners to look far enough ahead to make provision against any

such catastrophe; and in recent years the losses of cattle during the winter months have been much smaller than formerly. There is still great room for improvement, however. Perhaps nothing but a long educational process would accomplish the desired results. Many of the cattle-men are entirely without humane instincts and would rather lose their cattle than go to the expense of buying food for them. The character of these men is revealed by the fact that cattle-owners will sometimes go out on the ranges at night and kill any sheep they can find. The reason, of course, is that the sheep keep the grass closely cropped and cattle cannot run on the portions of the range where sheep have been feeding. On several occasions officers of the bureau have found hundreds of sheep dead upon the ranges, clubbed to death by cattle-owners. It has been almost impossible, however, to prosecute these criminals successfully because of the difficulty in securing evidence against them.

At no time during the life of the State Bureau of Child and Animal Protection has the number of prosecutions been large. The record for the past twelve years, as given in the biennial reports, is as follows:

| | | | |
|-----------------|-----|----------------|-----|
| 1903-1904 | 177 | 1909-1910..... | 176 |
| 1905-1906..... | 230 | 1911-1912..... | 245 |
| 1907-1908..... | 156 | 1913-1914..... | 154 |

Of course these figures do not fully represent the amount or character of the work done by the bureau and its agents. For example, in 1913-1914 the total number of animals involved in cases investigated and remedied by the officers of the bureau was 64,985. It must also be remembered that the same officers are engaged in children's work throughout the state; and the records show that the number of court cases involving children is invariably larger than the number of court cases involving animals. For example, in 1911-1912 the number of court cases of children was 494, and in 1913-1914 the number of such cases was 699. Then again, many of the volunteer officers who are known to be active render no reports; although it is probable that most of the cases prosecuted in courts are filed in the records of the State Bureau at Denver. The killing of sheep by cattle-men, above alluded to, indicates that there is room for more prosecutions;

and the representatives of the Bureau admit that their force is entirely inadequate for the amount of work which needs to be done.

Cases of cruelty to animals may be tried and determined by a justice of the peace without a jury, although upon application of the accused the trial may be either by a jury of six or by a jury of twelve, according to request. If a case is tried by a jury, the jury is required by law, if they shall find the accused guilty, to assess and state the amount of the fine, or the term of imprisonment, or both, on which the justice of the peace before whom the trial is held is required to give judgment accordingly and to collect the fine and costs of the trial. Fines when collected are to be paid to the treasurer of the Colorado Humane Society, which retains its identity as a corporation although it acts as one of the agents of the state government.¹ In the city of Denver, where there are special ordinances providing for the punishment of cruelty to animals, the cases may be tried in a municipal court. As a matter of fact, most of the cases both in Denver and elsewhere in the state are tried before the justices' courts.

The second duty imposed by law upon the State Bureau of Child and Animal Protection is to assist the organization of district and county societies and to appoint local and state agents. The handbook of the Colorado Humane Society for 1900, the last report published before the creation of the State Bureau, shows five county or branch societies in addition to the chief organization. The Second Biennial Report of the State Bureau for the years 1903-1904 gives a list of only three branch societies still active, and only one of these, the El Paso County Branch (Colorado Springs), appears in the report of 1900. In 1906 the El Paso County Branch was incorporated as the El Paso County Humane Society; but it still works in co-operation with the State Bureau. This is the only branch organization which is now sufficiently active to render regular reports. The record of its work appears in the biennial reports of the bureau. It is not to be supposed that the State Bureau is neglecting one of its duties merely because there is not a long list of branch societies.

¹ Laws of 1889, pages 113-117.
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The bureau does assist the organization of such societies wherever there is a desire to form them; but as a matter of fact local sentiment is not sufficiently strong in the smaller communities outside of Denver to call for the formation of independent local societies.¹ Consequently the bureau has found it necessary to resort to the system of volunteer officers which has already been described. There are at the present time² 1,664 such officers representing 319 towns. About 500 of these officers are in the city of Denver. In other words, there are over 300 communities in which humane work is being done where the work would doubtless be entirely neglected if it were not for the influence of the state organization. The number of volunteer officers has been increased as rapidly as possible, and the total gain has been considerable. In 1905 the number of volunteer officers in the state was only 565, and the number gained during the past two years, 1913-1914, was 221. It will be remembered that this system of state volunteer officers was adopted by the Colorado Humane Society long before it was made a State Bureau, so this requirement of the law was no innovation. Not all of the volunteer officers are active and many of them never send in reports so that it is difficult to estimate exactly the amount of work which they accomplish. The secretary of the bureau says that of the nearly seventeen hundred officers holding commissions from the bureau, probably between twelve hundred and fifteen hundred are active. He states as a fact of positive knowledge that many of those who do not send reports are among the most active and are accomplishing a great amount of good.

The third requirement of the law is that the State Bureau shall aid these branch societies and agents in the enforcement of humane laws. Enough has already been said to prove that the bureau is actively engaged in seeking to enforce the laws throughout the state; and whenever a local agent finds himself unable to cope with a given situation the state agent is sent to his assistance. Only a short time ago a call came from a volunteer officer in the mountainous country of the southwestern part of the state.

¹ There are only eleven incorporated places in Colorado of 5,000, or more inhabitants. Census of 1910.

² September, 1915.

He had been endeavoring for some time to induce the school board to build a foot-bridge over a mountain torrent to secure the safety of the children who had to cross the stream on their way to school. His importunities, however, had been unheeded, and at last he applied to the office in Denver. The state agent thereupon visited the place, and within twenty-four hours after his arrival the bridge was built.

Finally, the law enjoins the State Bureau of Child and Animal Protection to promote the growth of education and sentiment favorable to the protection of children and dumb animals. In fact, humane education is a subject upon which the officers of the bureau have always laid great emphasis. Instruction in the public schools on the humane treatment of animals is required by the law.¹ The development of a satisfactory system of humane education has been a slow process. Indeed, the officers of the bureau do not feel that they have yet evolved a system which can be called satisfactory. At the present time the bureau has an officer in charge of humane education who gives lectures to both pupils and teachers; and a special course in humane education has been established at the State Teachers' College.² The courses of study outlined for the high schools and for the lower grades are given in the announcement of the State Superintendent of Public Instruction, September 1, 1914, on pages 183-186 and 349-353. Some of the subjects for discussion in the high-school courses are as follows:

Laws for animal protection.

History of the humane movement.

Why animals should be protected by the law.

Losses by neglect and abuse of animals.

Value of bird protection.

State Bureau of Child and Animal Protection—Its duties, powers and work.

Sanitation in barns, dairies and poultry-houses—Its necessity.

Hunting with the camera versus the gun.

State institutions for the care, education and protection of children.

¹ R. L., 1908, Sec. 6014, page 1415.

² See Bulletin of State Teachers' College, 1912-1913, page 24, for course in humane education.

The superintendent of moral and humane education was appointed April 1, 1909, and a systematic plan of school inspection, including district normal school lectures, was at once begun. Fortunately the state superintendent of public instruction, in addition to being an *ex-officio* member of the board of directors of the State Bureau of Child and Animal Protection, has been thoroughly in sympathy with the general work of the bureau and has especially co-operated in the promotion of humane education. The numbers reached by these lecture courses since their beginning are thus given in the last three biennial reports:

| | 1909-1910 | 1911-1912 | 1913-1914 |
|--|-----------|-----------|-----------|
| Total number of lectures..... | 726 | 605 | 711 |
| Grade children attending | 47,297 | 47,906 | 55,432 |
| High school children attending..... | 7,955 | 5,230 | 5,320 |
| Teachers attending | 2,768 | 2,239 | 3,480 |
| Parents and other adults..... | 4,232 | 3,075 | 9,140 |
| Teachers taking special course at State Teachers' College | | | 18 |

In order to increase the efficiency of humane education, Mr. William R. Callicotte, the present superintendent of moral and humane education, suggests that the state should be divided into about eight districts, each district to be under the supervision of a district superintendent of humane education. Each of these officers should be a competent teacher, especially trained for this kind of work, and should give his entire time to visiting the schools of his district at regular periods and giving instruction in humane topics.

Methods now in use in Colorado are practical as far as possible. Children are taught the nature, the characteristics and peculiar habits of animals, their place in the animal kingdom and relation to human beings, and their general usefulness in the scheme of nature. Questions are suggested, involving the natural daily experiences of children with animals upon the streets or at home. These questions are discussed in the class-room, and children are requested to discuss them with their parents at home and then to write down their conclusions as to the particular question in hand.

The following quotation from an article written by the secre-
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tary of the Colorado Humane Society for the *Rocky Mountain News* in 1897 indicates the principles upon which the state bureau is now acting.

"One thing is sure, there should be no 'preaching' and there should be a great deal of practice. Bring the dogs and kittens and birds into the school-room, the ponies and donkeys into the school-yard—it is done to teach natural history, why not to teach goodness, kindness and justice? Encourage the children to observe animals, to have pets, to care for them, to study them and love them. Teach them to help and protect animals when they need it. Readings, recitations, anecdotes, selected and original, the observation and experiences of the children, the expression of their own ideas, watching the animals in the streets, all of these and many other things may be made the vehicles of teaching the right and wrong of behavior. Later there should be books and series of books and problems of conduct, just as we now have series of arithmetics containing mathematical problems and examples of graduated difficulty. For instance, given a certain situation involving a boy and a dog, the conditions being stated, what ought the boy to do? Given another situation involving two boys and a horse, what ought the boys to do? Or given a situation involving one child with another or with some older person, what ought each to do? It will be easy to see that such examples are as infinite in variety as life itself. They are things that children themselves are doing, situations in which they themselves are being placed, problems they are all the time being called on to solve in real life, and consequently alive with interest and importance to them. In this respect such a course would be wholly unlike the dry, tasteless abstractions of grammar and arithmetic, which do not interest children directly and personally at all. The boys and girls in such problems of conduct should be the boys and girls of the class, not supposititious ones. It should be 'Suppose you' and 'Suppose I'—not 'Suppose a boy' or 'Suppose a girl.' Incidentally, could anything more admirably serve to train the judgment and develop the discriminative powers of children than such a course? Yet, that should only be an incident of such training. Its sole object, not for a moment lost sight of, ought always to be to develop the good, the kind and the just."

Mr. Whitehead, the secretary of the bureau, has also written a text-book for use in the public schools called "Dumb Animals and How to Treat Them" (published in 1909, Denver, Colo-

rado). The book is simple and practical in style and adapted for the use of children in intermediate grades.

The bureau has not confined its activities to the execution of duties prescribed by law. It has engaged in relief work and constructive work which are not necessarily involved in the prevention of cruelty or in the promotion of humane education. For example, the bureau has been largely instrumental in securing the passage and the successful enforcement of the Bates Law for the Physical Examination of School Children.¹ This law requires the state superintendent of public instruction to provide suitable test-cards, blanks, record-books, and other needful appliances and supplies to be used in testing the sight, hearing and breathing of pupils in the public schools, along with the necessary instructions for their use, and to furnish the same free of expense to every public school in the state. Examinations are made by the teachers in charge during the first month of each school year. The record of these examinations is kept and written reports of them must be made as required by the state superintendent of public instruction. The report of the bureau for 1913-1914 gives the school enrollment in the counties reporting under the physical-examination law as 130,948. The number of children examined, and treated if necessary, in the counties reporting was 118,875. It is evident that this system is bound to result in protecting many children from dangerous diseases.

The officers of the Colorado State Bureau have felt for several years that the work of protecting children and animals was of sufficient importance to call for action by the federal government; and on a number of occasions they addressed themselves to the President and Congress, requesting federal action. In 1903 Mr. Schafroth, a representative from Colorado, later governor of Colorado, introduced in the house of representatives a bill² providing for the appointment of a national board of child and animal protection. The bill made it the duty of the board to obtain and record information concerning the condition of dependent, neglected and abused or viciously-reared children and of

¹ Laws, 1909, page 490.

² 58th Congress, First Session, H. R. No. 3573.

neglected and abused dumb animals throughout the United States and its possessions; to study the causes of abuse in such cases; to suggest and urge remedies; to promote uniform and efficient legislation in the states for the protection of children and animals; to secure the enforcement of the laws for the protection of children and animals; to urge humane education of children in the public schools; to educate public sentiment concerning the rights and proper treatment of children and dumb animals; to encourage and aid the creation of state and territorial boards for their protection; and to do whatever else could best carry out the purpose of creating this board. No authority was conferred upon the board to interfere with or supervise state or private institutions engaged in similar work. The sponsors of this bill felt that the creation of such a board would dignify and assist efforts of such societies as already existed without in any way interfering with them and would promote the organization of such societies in the states where humane work was little developed. This bill, however, encountered the opposition of humane societies in other states and never got beyond the committee stage.

The Colorado State Bureau was also instrumental in securing the adoption by the United States Post Office Department of regulations designed to protect the horses used by mail drivers on the star routes in the west. The officers of the Colorado Society had observed that mail drivers' horses were often in poor condition and had sought to remedy the matter as far as possible; but some of the routes crossed state lines and much of the cruelty occurred outside of their jurisdiction and in states where no humane organizations existed. They therefore appealed to the Post Office Department and were met with a ready response. The following regulation was issued by the Postmaster-General:

" 57. The horses or mules used for carrying the mails must be suitable for the work and properly cared for. The cruel treatment of an animal while in the performance of service will be considered cause for imposing a fine on the contractor or requiring the dismissal of the driver."

As soon as contracts for the carrying of mail then in force expired, conditions were inserted in the new contracts which made

it necessary for drivers carrying mail to keep their horses in good condition, and failure to do so might not only result in prosecution for cruelty to animals but in the loss of the right to carry mails. This regulation proved most effective in checking cruelty where there were no organized societies for its prevention.

In 1911 and 1912 Governor Schafroth called the attention of the bureau to the condition of new settlers on the "dry" farms of eastern Colorado. At the governor's suggestion, an experienced officer was sent by the bureau to investigate certain cases and to make a report which would serve as a basis for future action. Many families were found in need of food, fuel and clothing, while others needed only feed for their starving stock and seed for planting. It was finally decided at a conference with Governor Schafroth and the Chamber of Commerce to leave to the county commissioners of the various counties the work of supplying food and fuel, and to the Chamber of Commerce the supplying of seed. The raising of funds to provide feed for starving horses was undertaken by the Bureau of Child and Animal Protection. A letter was addressed by the bureau to most of the churches of leading denominations in the state, and met with generous response. The fund obtained by this appeal was, however, only a small part of the total, the rest of which consisted entirely of voluntary contributions. The total amount raised for feed was \$2,015.29. With it the applications of 327 families in fourteen counties were partially met. Some applications were not granted because investigation showed that the applicants were able to help themselves. Those who seemed to be worthy were aided in the order of their application. It was estimated that 1,300 work-horses and 100 cows were fed in this manner for a short time. The grain and hay were hauled free of charge by the railroads, and the bureau obtained from the firm of John D. Best & Company a rate on grain but little above cost price. The feed was furnished as a loan and the recipients were asked to repay the amount expended for them as soon as possible. A very small amount, however, has ever been repaid.

Another useful service rendered by the State Bureau has been the securing of needed improvements in the Denver Union Stock Yards. The yards had been neglected for a long time. Mud and

filth had been allowed to accumulate until the condition became intolerable. It not only was unsanitary but caused the cattle great physical discomfort. The officers of the bureau entered a complaint with the managers of the yards showing them the conditions which needed to be remedied, and induced them to lay pavements and to make other improvements to the extent of \$100,000. Since then the yards have been kept clean and sanitary.

Some of the difficulties of carrying on humane work in the state of Colorado, such as the mountainous character of the country, the sparseness of population, the lack of interest on the part of people generally, and the conditions of the stock ranges, have already been noted. Still others have been suggested in connection with some of the cases cited above, such as the practice of rabbit-coursing and the killing of sheep upon the ranges by the cattlemen. There are, of course, the usual obstacles encountered everywhere, such as the lack of sufficient funds, the difficulty of securing convictions before juries in the country districts, etc. In addition to all these the State Bureau of Child and Animal Protection in Colorado has from time to time met with open opposition in official circles. The motives for such opposition have been various and have ranged from political to the apparently purely personal.

As early as 1903, two years after the creation of the State Bureau, its agents got into trouble for taking up and feeding neglected stock in Greeley. The assistant county attorney prosecuted them for taking another man's property; but the agent in one case was acquitted at trial, and in the other case the agent was discharged at the preliminary examination without having to put on any witness in defense. In the *Rocky Mountain News* (June 18, 1903) the secretary of the State Bureau of Child and Animal Protection criticized this hostile action of the county attorney, and, in condemning the attitude of this official, cited a case of astonishing brutality which the same officer had refused to prosecute although an agent of the bureau had brought the matter especially to his attention and had twice visited his office to urge the taking of some action. It is said by representatives of the bureau that this lack of co-operation on the part of prosecuting attorneys has been encountered more than once and is to

be attributed chiefly to an unwillingness on their part to prosecute and thus incur the enmity of those upon whose friends they depend for their office.

In 1906 occurred another incident which is attributed by officers of the bureau to political influence. On May 17th, 1906, seven men were convicted in the county court of Denver on the charge of cock-fighting, on a plea of guilty. One of the defendants was a policeman, another the city dog-catcher, and a third was an employee of the board of public works. A few hours after the conviction, application was made to Governor McDonald and a pardon was issued for all seven. The State Bureau, which had been instrumental in securing the conviction, was informed as to the proposed step and asked the governor to take no action upon an application for pardon without giving the board an opportunity to be heard. The pardon was granted, however, without any previous notice to the officers of the bureau. The board of directors of the bureau authorized the secretary, E. K. Whitehead, to address a protest to the governor, part of which read as follows:

"It is the belief of this board that the pardon was granted by you without fully understanding the facts, which might have been ascertained if the request of this board to be heard had not been ignored.

The board desires to ask if the same course will be pursued by you in the future. If so, it will be worse than useless for the board to make further efforts to enforce the law in this respect."

In a letter dated June 15th, 1906, the governor replied to the bureau, and in explaining his action said:

"The application was presented to me quite late in the evening, and as it seemed to me to be a case that should be acted upon at once, there was no opportunity to give your office a hearing, as I would have done had the case been presented at an earlier hour. * * * It is possible that I was misinformed in regard to the case, and consequently a mistake has been made; but I feel sure, from the representations made to me, that almost any one would have taken the same action."¹

¹ *Denver Rocky Mountain News*, June 16, 1906.
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The officers of the State Bureau were not satisfied with this explanation of the governor and felt that such action was due entirely to political influence. In any case, they felt that there were no circumstances which justified the issuing of the pardons without first consulting that department of the state government which had been responsible for the prosecution and conviction and which had all the facts of the case at its disposal.

Perhaps the most unpleasant chapter in the history of the Colorado State Bureau of Child and Animal Protection is that which records its relations with Judge Ben B. Lindsey of the Denver Juvenile Court. It appears that the officers of the bureau have found themselves unable to approve of the judge's methods and they have published severe criticisms of his work as a juvenile judge. The following extracts from "Child and Animal Protection," a leaflet which for a time was published monthly by the Colorado Humane Society, will indicate the character of these criticisms. In the issue for July, 1910, under title, "The Judge of the Juvenile Court," appear the following paragraphs:

"There is undoubtedly no more amazing instance of successful humbug in recent times than the career of Judge Lindsey and his juvenile court afford, and no more discouraging spectacle of egotism and hypocrisy than the same career presents. One of the most remarkable things about it is the silence so long kept by many who have been aware of the facts! The attitude of this bureau toward Lindsey and his court has been the same from the start. His motives were apparently selfish, his methods undoubtedly silly, and the result could not fail to be bad.

He complains that we have never favored the juvenile court. It is true. We could not. It could not fail, of course, to do some good—but equally it could not fail to do much more harm. While those who had no especial responsibility, and perhaps no especial fitness to judge, could say and do what seemed best to them, it was our duty, as the State Bureau of Child Protection, upon whom the law lays the duty of protecting all the children of the state who need it—it was our duty to withhold our approbation from what was, in reality, a personal and private institution, which all our experience and all our discretion told us was wrongly conceived, badly managed, and certain to do more harm than good. Yet through all these ten years we have, until now, published no censure and indulged in no criticism of it—except that, when we were asked about it, we said, with entire frank-

ness, what seemed to be the truth. I am disposed to think we deserve censure for not doing more."

Later issues of "Child and Animal Protection" contain similar general expressions of hostility to Judge Lindsey's work and equally lacking in specific charges that could be investigated.

It is not within the province of this report to discuss the merits of the work of Judge Lindsey and his court. Suffice it to say that the secretary of the Bureau of Child and Animal Protection declares that he is ready to prove any statement which he may have made and that his opposition to Judge Lindsey is based upon honest conviction that the Denver Juvenile Court as now conducted is a dangerous influence in the community. The action of Judge Lindsey in 1911 in requesting the state treasurer to withhold the appropriation from the Bureau of Child and Animal Protection is ascribed by the officers of this bureau to a desire for revenge. On page 5 of "Child and Animal Protection," July, 1911, appears the following comment upon this matter:

"On July 1, Judge Lindsey filed with the state treasurer a protest against paying any of the expenses of the bureau, on the alleged ground of its unconstitutionality. This objection is, of course, merely a technical one and does not relate to or reflect upon the amount or quality of the work done. Judge Lindsey privately admits that his real motive is one of personal retaliation, the bureau having criticized the juvenile court and its influence upon children as we have felt it to be our duty to do. In other words, in order to gratify a personal resentment he has undertaken to destroy the protection of abused and neglected children and animals in this state, and admits that such is the case."

It will be remembered that the decision in this case was in favor of the bureau. It is perhaps significant that no further steps were taken at the time, although the attorney general pointed out in his opinion of July 20, 1911, that the validity of the appropriation drawn in question by Judge Lindsey could be attacked by an action in court.¹

It is unnecessary to discuss this matter in greater detail. What-

¹ See above, p. 42.
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ever the merits of the case, it certainly is unfortunate that two institutions whose objects and ideas should be the same find it impossible to work in harmony. The controversy between the two parties not only caused unpleasantness, but pending the decision of the attorney general as to the merits of Judge Lindsey's protest, payments to the bureau were held up so that its work was practically at a standstill for several weeks. Of course, the real sufferers were not the parties to the controversy, but the unfortunate children and animals who were in need of relief.

The climax in the affairs of the Bureau of Child and Animal Protection was reached in May, 1915, when Governor Carlson vetoed the appropriation made by the legislature for the work of the bureau. His veto message¹ was in the following language:

"The appropriation for the Bureau of Child and Animal Protection, commonly called the Humane Society, is hereby vetoed for the following reasons:

1. Because this society is a self-perpetuating, private corporation, owing no obligation to the state, beyond state control and therefore not entitled to support through public revenue.

2. That part of the work of this bureau which has to do with the protection of children and securing for them private homes is now being performed by the officers of the state home for dependent and neglected children. Not only that, but the law specifically commands the management of this home to do this particular work. Here, then, is a bureau duplicating the work which the law compels this home to perform.

3. The other branch of the work of this bureau is the care and protection of dumb animals. This can be fully cared for by the fifteen special deputies now existing under the law of this state and paid by public revenues. These deputies perform the work of deputy game wardens, but these duties do not require all their time. These fifteen men constitute a law-enforcing arm of the state government quite sufficient to enforce the game laws, humane laws for dumb animals, the prohibitory laws, and every other law that the state is interested in. Here is another duplication, involving a complete duplication, the unnecessary expenditure of thousands of dollars and resulting in confusion and unnecessary waste of time and energy.

The work of the child and animal bureau will be consolidated

¹ Colorado Session Laws, 1915, pages 64, 65.
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with that of the game wardens, and will be done by the numerous deputies of that department."

The officers of the bureau at once published a reply to the governor's veto addressed "To the Fathers and Mothers of Colorado." The reply says that "the three reasons for the veto as given by the governor are untrue—that the real reasons for his veto must be looked for elsewhere. The State Bureau of Child and Animal Protection feels that the office of Governor is entitled to respect whatever its temporary occupant may do, and does not wish to disclose the real reasons for Governor Carlson's veto unless he himself should desire it, except to say that they are altogether personal and unworthy."

In answering the reasons specifically it is pointed out, first, that under decisions of the supreme court and the opinion of the attorney general already alluded to, it cannot with reason be argued that the bureau is a private corporation owing no obligation to the state, and beyond state control; secondly, that the state home for dependent children established in 1895¹ has never done any of the work performed by the state bureau on behalf of children, and it is not authorized by law to do so. The state home was established to provide a temporary home for abused, neglected and dependent children and to find permanent homes in good families for them. The majority of its children are sent there through the officers of the Bureau of Child and Animal Protection, yet it is declared that they are only two per cent of the total number of children's cases handled by the bureau. In the third place, it is pointed out that the game wardens have no authority under the law to handle cases of cruelty to animals. Their work is, of course, to supervise and protect the fish and game of the state.

It must be admitted that the statement of the governor is open to criticism. If it is desirable that the work now being done by the Bureau of Child and Animal Protection should be divided between the state home for dependent children and the game warden, the laws defining the authority and the duties of these two institutions would have to be amended. It is to be noted

¹ Laws of 1895, pages 71-84.
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that the governor did not recommend to the legislature any such changes in the law, and the legislature will not meet again in regular session until 1917. In other words, the only agency authorized and equipped to carry on humane work in all its branches throughout the state has by this action of the governor been left without resources for nearly two years.

Immediately after the veto was announced statements were published in various newspapers to the effect that the State Bureau of Child and Animal Protection had been abolished or had been consolidated with other state departments. Such, of course, is not the fact. The mere veto of an appropriation in no way changes the law relating to the organization and the duties of this bureau. It is still a branch of the state government and retains the same authority which it has hitherto exercised. The only obstacle to its continued activity is the lack of ways and means created by the action of the governor. The work of the bureau was practically at a standstill during the summer months, but efforts are now being made to raise money by private subscription.

During September, 1915, a canvass was made in the city of Denver and the total amount raised, including cash and pledges considered good, was about \$7,500. The officers of the bureau think that other sources of revenue will produce \$4,000 or \$5,000 more, so that the amount regarded as reasonably certain is \$11,000 or \$12,000. With this it is hoped that the most urgent work of the bureau can be carried on for the rest of the present governor's term, which ends January 1, 1917. A canvass of the smaller towns in the state is under consideration and probably will be tried, but its result is uncertain and it is not included in the estimate of resources.

Aside from the temporary suspension of the work of the bureau, its officers declare that the veto has proved to be a benefit rather than a detriment. It has brought to the bureau and its work a publicity which could scarcely have been realized in any other way. It has aroused no little criticism and comment in the public press, and the canvass for funds has brought the matter still closer home to the people of the state. It is felt that the bureau now stands stronger in public esteem than it did before.

It has for some time been thought a possibility that an attempt would be made to change the bureau to a political body whose members should be appointed by the governor. There has been no public announcement of any such intention, and it is to be hoped that the step will not be taken. Humane work is a kind of activity which ought to be kept entirely free from politics, and while the appointments by the governor might be thoroughly good, such a change would tend to subject the bureau to political influences and would almost surely lead to disastrous consequences.

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III. PREVENTION OF CRUELTY TO ANIMALS IN CALIFORNIA

In the state of California the system under which humane societies are organized is similar to that found in New York State. Societies are incorporated under the general corporations law, and there is no centralization in the conduct of the work throughout the state such as has been found in Illinois or in Colorado. There are in existence nearly fifty anti-cruelty societies in California. There are certain features, however, which distinguish the situation in California from that in New York. In the former state incorporation is made very easy and there is no limitation on the number of societies which may be organized in a single county. It will be remembered that in New York State the law prohibits the organization of more than one society for the prevention of cruelty to animals in a single county, and requires the approval of the American Society for the Prevention of Cruelty to Animals or of a supreme court justice in the county where the society is to be organized before its incorporation can take effect. Societies for the prevention of cruelty to animals in California are formed as county organizations; but their officers when duly authorized according to law have jurisdiction to operate anywhere within the state.

One respect in which the situation in California is different from that generally prevailing elsewhere is in the disposition of fines. It has been customary in this country to give the fines resulting from the prosecution of animal cases to the societies assisting in the prosecution. In California, however, this system has been abandoned and in lieu of fines, which now go into the public treasury, the authorities of any city or county may pay to any such society within its jurisdiction a sum not to exceed \$500 per month. The circumstances which led to this change in California will be discussed later.

Three cities have been chosen as typical of the conditions under which humane work is conducted in California. A peculiar feature of the work of one of these, Los Angeles, is the fact that the Society for the Prevention of Cruelty to Animals operates

only in the county outside of the city of Los Angeles, while the prevention of cruelty to animals within the city is under the jurisdiction of city authorities.

I. SAN FRANCISCO

(a) THE SAN FRANCISCO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

The San Francisco Society for the Prevention of Cruelty to Animals is the oldest in the state and one of the oldest in the United States, having been organized and incorporated in 1868, only two years after the organization of the American Society for the Prevention of Cruelty to Animals. The incident which led to the formation of the society is narrated as follows in the annual report of the society for 1907:

"Early one morning in April, 1868, J. S. Hutchinson, our treasurer, was passing along Sansome Street, near Washington, when he observed two vaqueros mounted on spirited horses attempting to lasso a boar which had been separated from its drove and was running up Washington Street. Both vaqueros caught the animal about the same time, one about the fore and the other about the hind legs, and started dragging him over the cobblestones toward the city front. Mr. Hutchinson sprang into the street and indignantly stopped them, while a number of people who witnessed the occurrence came to his assistance, so that the animal was placed upon a truck and within a short time humanely restored to its drove.

Mr. Hutchinson, thoroughly aroused, called upon such men as the late H. Gibbons, M.D., W. H. Woodson, then a newspaper man in San Francisco, now editor of the Sacramento 'Record Union,' and many others; and a few days later the San Francisco Society for the Prevention of Cruelty to Animals was formed, H. Gibbons, M.D., being elected as president, and Mr. Hutchinson its treasurer, an office he has ever since held."

The early years of the society were very similar to those of other such institutions. The work consisted chiefly of searching out and prosecuting cases of cruelty to animals which in those days were numerous in all parts of the country, because hitherto they had not met with any systematic opposition. Cock-fights and dog-fights were daily occurrences, bull-baiting was a very common sport, and lame and galled horses were met in great

numbers upon the streets. The experience of the San Francisco society was also like that of others in the difficulty of arousing interest and enlisting members and securing funds. In the annual report of 1877 appears the following comment:

"A great deal of sympathy that we now receive is of the passive kind. Very good and kind-hearted people say that we are doing a great work and they are glad to see us succeed in it; but they do not come forward and assist in the work. What we need is active sympathy and support; sympathy that will come forward and furnish the means necessary to extend our sphere of usefulness and enable us to employ persons to do our work thoroughly."

The financial depression which afflicted the country during the next two years so affected the work of the San Francisco society that the president in his annual address of 1879 said that at one time their resources were almost entirely exhausted and the society threatened with permanent extinction. The crisis was successfully passed, however, and at the time of the annual meeting in 1879 the treasurer was able to report a current revenue which exceeded the current expenditure.

It is not necessary to give a detailed history of the development of the society from this time on. It gradually expanded, interests and revenues grew apace, and today the San Francisco Society for the Prevention of Cruelty to Animals is one of the best organized and most firmly established institutions of the kind in the United States.

In the matter of prosecutions, which at first occupied its chief attention, the San Francisco society has been reasonably active. As interests and duties have multiplied it has not relinquished its efforts in this respect, but has sought by increasing its force from time to time to maintain a consistent enforcement of anti-cruelty laws. In his annual address, at the meeting of the society in 1880, the president stated that a comparison of the records from other cities with results accomplished in San Francisco showed that in proportion to population the prosecutions and convictions for cruelty to animals were more numerous in San Francisco than elsewhere, in spite of the fact that in the large cities of the East, notably Boston, New York and Philadelphia, the societies

employed a greater number of agents. His conclusion was that there was more cruelty in San Francisco than in the eastern cities, and that the need for support of the society's work was proportionally greater. His complaint was that the prevailing public attitude towards the work of the society was one of indifference and that it was almost impossible to secure the generous financial support which the eastern societies were able to command.

Perhaps it would be difficult to prove that San Francisco was at that time more cursed with cruelty than other cities. It is generally conceded that cruelty is less frequent today than formerly; yet the number of prosecutions in New York City has seen a proportionately more rapid increase than has the population. It is to be remembered that only during the last ten years has the work of prosecution in New York City been carried on with an unusual amount of vigor. It perhaps is true that in the western cities during the middle of the past century there were more cases of extreme cruelty committed in the open than were to be found in the older cities of the East. Such cases would, of course, be more easily detected. This fact might help to explain the proportionately greater number of prosecutions conducted by the San Francisco society during the first decade of its existence. Today San Francisco is far behind New York in its number of prosecutions for cruelty to animals. The following table shows the number of cases investigated by the San Francisco Society for the Prevention of Cruelty to Animals, with resulting prosecutions and convictions, in the earlier years as compared with the records of recent times:¹

| | <i>Number of cases Investigated</i> | <i>Prosecutions</i> | <i>Convictions</i> |
|-----------|---|---------------------|--------------------|
| 1877..... | 293 | 98 | 93 |
| 1879..... | 720 | 94 | 63 |
| 1905..... | 7,439 | 520 | 326 |
| 1908..... | 4,122 | 243 | 162 |
| 1909..... | 6,139 | 135 | 84 |
| 1910..... | 7,873 | 147 | 80 |
| 1911..... | 8,016 | 188 | 113 |
| 1912..... | 8,901 | 151 | 91 |
| 1913..... | 8,709 | 148 | 113 |
| 1914..... | 9,105 | 111 | 69 |
| 1915..... | 8,677 | 56 | 33 |

¹ The fiscal year begins July 1.
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From the above figures it will be noted that a good many of the cases prosecuted by the society result in dismissals. For example, the report for 1911 shows 74 dismissals as against 113 convictions. The secretary in his report for that year offers the following explanation:

"In many instances where a dismissal was made it was done with the consent and approval of the society as the object most desired, the remedy of the cruelty, was accomplished. In many cases charges were dismissed against the drivers only in order to bring the owner of the abused animal to court; some offenders were released on probation at the request of the prosecuting officer; others after consent to dispose of or destroy the animal; and some cases were dismissed at the request of the society after it had ascertained that fine or imprisonment would bring hardship on the families dependent upon defendants."

This explanation applies equally well to the dismissals of other years. In some cases, however, the officers of the society have felt that the judges may have been too lenient, although they do not complain of any failure on the part of judges to co-operate in securing the proper enforcement of the laws. Nor do the judges feel that the officers of the society annoy the courts by bringing in weak cases. It is their testimony that in the great majority of dismissals the society concurs in the action of the judge, and oftentimes the decision is reached only after a consultation. The methods employed in San Francisco seem to differ somewhat from those employed in New York, where the number of prosecutions annually runs up into the thousands and where about ninety per cent of the cases result in convictions. Perhaps in view of the immensely greater number of cases coming before them the New York judges are inclined to take more summary action, whereas the judges in San Francisco, with a comparatively few cases, are afforded more opportunity to investigate the details of individual cases and take them into consideration along with the officers of the society.

A comparison of figures for the past three years reveals a marked decrease in the number of prosecutions, falling from 148 in 1913 to 111 in 1914. During the past year the number was 56, only about one-half the number for the year previous. It is

perhaps natural to connect this fact with the change of the law in 1913 which took from anti-cruelty societies the right to receive fines. The circumstances leading to this change in the law will be explained later.¹ It is desired at the present time to consider its effect, if any, upon the San Francisco Society for the Prevention of Cruelty to Animals. It has been a very common charge that anti-cruelty societies indulge in a vigorous enforcement of the law because of the benefit derived to themselves in the acquisition of fines. The number of prosecutions in 1915 was just about one-third of the annual average for the last six years during which the society received fines. The following table indicates the amount of fines during recent years:

| | | | |
|-----------|---------|-----------|---------|
| 1908..... | \$1,505 | 1912..... | \$1,160 |
| 1909..... | 915 | 1913..... | 1,370 |
| 1910..... | 825 | 1914..... | 789 |
| 1911..... | 885 | 1915..... | 235 |

The records do not show that there has been any change in the methods of punishment which would in any way explain the falling off in fines. In the early years of the society it is to be noted that in many cases a jail sentence was added to the fine. For example, in 1877 the fines generally ranged from \$10 up to \$200, and in ten cases a jail sentence of from 10 to 100 days was added. In 1879 the majority of fines were \$10; only six were \$5; and out of the 63 convictions, in all but four a jail sentence was added to the fine. In recent years a jail sentence has been the exception and is seldom coupled with the fine. In 1911 out of 113 convictions only 5 resulted in imprisonment; in 1912 out of 91 convictions only 2 resulted in imprisonment; in 1913 out of 113 convictions no imprisonments were recorded. In 1914 one case resulted in imprisonment, and in 1915 also there was but one imprisonment. As to the amount of fines imposed, the judges seem to have been remarkably consistent; and the records of the society show, from the earliest days to the present time, that the average fine has been well over \$10. So it appears that although many cases have resulted in dismissal, fines imposed in cases of conviction have been reasonably large, and until 1913 were

¹ See below, pages 87-91.
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a valuable source of revenue. The question inevitably arises whether the striking decrease in the number of prosecutions is to be attributed to the fact that the society no longer receives fines. It does not seem probable that there has been a decrease in cruelty commensurate with this decrease in prosecutions. On the other hand, there is no evidence that the officers of the society have been negligent. A comparison of the records of recent years shows that in 1914, the first year after the society ceased to receive fines, the number of cases investigated was greater than in any other year, and in 1915 the number of such cases fell but a little short of the number recorded in 1913. In the number of animals involved, the number of horses examined and the number of warnings given, the figures for 1915 were greater than at any previous time. Whatever may be the true explanation, the fact seems to be that the society is devoting less attention to prosecutions and is putting forth greater efforts in other directions. This subject is touched upon in the annual report of the board of trustees for the year ending May 31st, 1915, in the following language:

"In reviewing the past year's work there are few points which stand out in contrast with other years as worthy of special mention. The work has gone forward with the same systematic precision and purposefulness that has characterized the society in the past. There have been fewer prosecutions for cruelty, for aggravated cases necessitating punitive punishment have been less, but there has been a widening of the society's sphere all along the line. Its work has been less restricted to the mere hunting-out and rectifying of cruelty cases, and has gradually become more comprehensive in an educative social way. It comes nearer today to realizing the hopes, ambitions and dreams of its founders than at any time in its history. For the real object of humane work is far more than the remedying of individual cases of cruelty. It is the application of the principles of justice, of humanity and mercy to our daily life, and in laboring to better effect to attain a general recognition of these objects the society has accomplished better work than ever before."

It is not to be disputed that in broadening its field of activities the society has at the same time placed its work on a higher level. The rendering of direct relief to animals and the dissemination

of humane principles are certainly nobler achievements than the punishment of wrongdoers. The latter, however, is now, and perhaps always will be, a necessary part of humane work, and whether the disposition of fines has anything to do with the case or not, it is to be hoped that the San Francisco society will not be less watchful in the future than it has been in the past.

For a good many years one of the principal features of the work of the San Francisco society has been the conduct of the public pound. The pound was originally conducted by the city; but, as is often the case, it was not at all satisfactory; and in 1890 the society succeeded in getting control. The manner in which this was accomplished is narrated as follows in the annual report for 1907:

"The public pound as then¹ conducted was a disgrace to the city. The pound-men grabbed pet dogs from the arms of women and children in broad daylight and broke down fences in order to take the cattle and horses to the public pound. They made a practice of stealing animals, and greatly mistreated them after being impounded. People protested and many arrests were made of the deputy poundkeepers by the officers of the society; but very few convictions followed, for the reason that the poundkeeper had political influence in court and a just decision could not be secured.

John Partridge, now our president, was then a member of the board of trustees, and to him is given the credit of originating and completing one of the greatest petitions ever filed with the board of supervisors. The document contained over 13,000 names of our best citizens, demanding the public pound to be placed under the control of the society. The board of supervisors informed the society that if they would purchase a lot, erect suitable buildings, and furnish horses, wagons, harness, etc., for carrying on the public pound without cost to the city, they would then appoint the society's nominee poundkeeper. The society agreed to this, and steps were immediately taken to carry out our part of the contract."

In spite of this arrangement the board of supervisors, upon the petition of the old poundkeeper, refused to permit the society to use the property which it had purchased for public pound pur-

¹ Before 1890.

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poses. The society then purchased another lot, and was again prevented in similar manner from using the property as a public pound. A third lot was purchased, and when the petition was again filed with the supervisors to prevent the society from conducting the pound on the newly-acquired property, public sentiment was sufficiently aroused to compel the board of supervisors to live up to their agreement. Buildings were erected by the society, equipment was provided, and the society's nominee for poundkeeper was duly appointed by the board of supervisors. In 1902, during the regime of Mayor Schmitz, the public pound was taken out of the hands of the society. This came about through the refusal of the mayor to appoint a poundkeeper recommended by the society. Inasmuch as the officers of the society felt that this was an attempt to inject politics into the conduct of the pound, a special meeting of the society was called, at which it was unanimously resolved that the society should decline to participate further in the management of the public pound. At the request of the board of supervisors, however, the society finally consented to resume control of the pound, and has continued to manage it up to the present time.

Under the existing arrangement¹ the society is appointed poundkeeper by the board of supervisors of the city and county of San Francisco. The society owns the property and all the equipment, and pays all the expenses incident to running the pound. All moneys received by the poundkeeper as fines, fees, etc., must be paid by him daily to the treasurer of the city and county of San Francisco. The city also receives all moneys paid for dog licenses. The society as poundkeeper does not receive any stated salary as compensation for the performance of the duties of the office, but is paid out of the general fund of the city and county upon monthly demands allowed by the board of supervisors certain fees as specified in the ordinance. The result has been a loss to the society and considerable profit to the city.

In the former ordinance relating to the pound no provision was made for the disposal of cats. The thousands of these animals running loose about the city were such a pest that the society

¹ Ordinance No. 3276, New Series, passed May 24th, 1915.

felt it necessary to take some action for the relief of the public, and in 1909 instituted an ambulance service to gather up stray cats. The number of cats impounded and destroyed during the past year was 5,936. This work, of course, has involved additional expense, but has been performed without any cost to the city. The ordinance passed this year, however, allows the society a fee of 25 cents for every cat impounded and destroyed. This will help somewhat to cut down the society's annual deficit in the pound department.

Although the city receives the dog-license fees, the enforcement of the dog-license ordinance of course falls in large measure upon the poundkeeper. The license fee hitherto has been \$2, and while this is not an exorbitant amount it has been sufficient to cause countless attempts at evasion. This, of course, has manufactured work for the pound, in that it has increased the number of dogs running at large without tags. These dogs the society has been compelled to receive at the pound, and the majority of them have to be destroyed. The fee allowed by the city for dogs impounded and destroyed does not equal the expense involved in catching and keeping them. Consequently, the society during the past year urged that the license be reduced to one dollar a year, so as to encourage dog owners to license their animals and thus reduce the number of strays which have to be brought to the pound. The board of supervisors finally consented to compromise and fixed the license fee at \$1.50 a year.¹ This license is now compulsory. Any dog owner who does not obtain a license for his dog is liable to arrest and punishment by fine or imprisonment for the violation of the ordinance. There are several exceptions to the compulsory clause: dogs under the age of six months, dogs passing through the city, dogs brought to the city to be entered in a show, and dogs for which a kennel permit has been issued are exempt from the requirements of the license ordinance; but all such dogs may be impounded if allowed to run at large. No dog will be impounded unless allowed to run at large without a tag. The society expresses the hope that the new law will operate with less degree of friction between the pound author-

¹ Ordinance No. 3277, New Series. Passed May 24th, 1915.
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ties and the public, and that it will eliminate the loss which the society has sustained each year through the operation of the pound.

The complete report of the public pound for the fiscal year ending June 30th, 1915, is as follows:

| | |
|---------------------------------|------------|
| Dogs on hand July 1, 1914..... | 56 |
| Impounded during the year | 4139 |
| Redeemed..... | 499 |
| Released on licenses..... | 302 |
| Sold | 338 |
| Destroyed..... | 3004 |
| On hand June 30, 1915..... | 52 |
| | <hr/> 4195 |
| | 4195 |

Large Stock

| | |
|-----------------|-----------|
| Impounded | 232 |
| Redeemed..... | 204 |
| Sold..... | I |
| Destroyed | 27 |
| | <hr/> 232 |
| | 232 |

Small Stock

| | |
|-----------------|-----------|
| Impounded | 253 |
| Redeemed..... | 236 |
| Sold..... | 12 |
| Destroyed | 5 |
| | <hr/> 253 |
| | 253 |

Cats

| | |
|-----------------|------------|
| Impounded | 5936 |
| Destroyed | 5936 |
| | <hr/> 5936 |

Cash Statement

| | |
|---|------------------|
| Received for dogs redeemed and released on licenses | \$1,453.30 |
| Received for dogs sold | 1,014.00 |
| Received for large stock redeemed | 654.00 |
| Received for large stock sold | 5.00 |
| Received for small stock redeemed..... | 371.50 |
| Received for small stock sold..... | 30.25 |
| | <hr/> \$3,528.05 |

All the above cash was paid into the city treasury, as per receipts attached to monthly reports on file in the board of supervisors' and auditor's offices.

Summary

| | |
|---|-------------|
| City received from the poundkeeper in fees | \$3,528.05 |
| City received from sale of 4426 dog licenses | 8,852.00 |
| City received from sale of 424 duplicate tags..... | 212.00 |
| Total received by the city | \$12,592.05 |
| Due and paid to poundkeeper | 8,753.30 |
| Excess receipts to city over expenses | \$3,838.75 |
| Society's expense conducting pound for year | \$12,350.02 |
| Due and received by poundkeeper during year..... | 8,753.30 |
| Loss for society | \$3,596.72 |

For a good many years the society has been erecting water-troughs in the city of San Francisco. During 1910 the wooden troughs then in existence were replaced with new structures of steel and concrete. All these troughs are maintained in a state of cleanliness by the society. In this work the society has been materially assisted by the Draymen's Association, which has taken an active part in the erection of several such water-troughs. Before 1911 the water company supplied the water for the troughs at the expense of the society; but in that year the board of supervisors, which had appropriated money for the erection of ten drinking-troughs and had set aside \$1,000 for their maintenance, voted that the water for all public drinking-troughs should be furnished at the expense of the city.

One of the most important bits of constructive work undertaken by the society has been in connection with the city's streets. There are many steep grades in the city of San Francisco, and even on the level streets the asphalt pavements have been polished to such a glass-like smoothness that horses have great trouble in hauling heavy loads. The society has constantly agitated this subject, has appealed to the board of public works and to various municipal departments on innumerable occasions, has circulated a petition of its own and has signed petitions of other interested individuals. Fortunately its appeals have been received by the public authorities in a spirit of co-operation. The board of public works sought to relieve the slippery condition of the pavements by rolling crushed gravel into the asphalt; but this was not a complete success. The board then purchased an automatic sand-spreader, which has been used to good effect on the hilly streets.

At the request of the society, sand-boxes have been placed on several grades so that drivers can scatter sand under the horses' feet when they begin slipping. The society has also posted signs indicating how drivers can make detours so as to avoid the steepest grades. Although the condition of the streets has been largely responsible for the discomfort of horses, a portion of the responsibility not infrequently rests upon the drivers. They habitually load their teams for the level, and while this load may be suitable for a greater part of the haul, it is more than the horses can comfortably draw up a steep grade. When all that is possible has been done to remedy the condition of the pavement, the society is inclined to prosecute drivers for overloading.

The ambulance department of the society's work is one of its most useful features. This is operated in connection with the pound, but is of sufficient value to deserve independent consideration. At the present time the society has three large ambulances, one of them a new motor ambulance just completed, an ambulance for the conveyance of dogs and cats, and an auxiliary wagon for small animals. These ambulances are not only used to convey animals to the pound, but are at the disposal of the public in all kinds of emergency cases. For example, during the months immediately following the disaster in 1906, when at one time over twenty-two miles of streets were open for the repair of pipes, etc., the society was kept busy rescuing horses which had fallen into openings. For several weeks the society made an average of two removals a day, and on some days made as many as eight or ten. The society does not maintain a hospital, but uses its ambulance to convey sick and injured animals to private hospitals of veterinarians as requested by the owners. In cases of animals which are carried in this way for private individuals a fee is charged. The amount realized from the use of the ambulance during the past year was \$460.

The educational work of the San Francisco society is represented first in its publications. In 1906 the society began the monthly publication of the *Bulletin*, which was continued until 1911, when it was changed to a magazine called *Our Animals*. This is a monthly sheet averaging about twelve pages, containing information in regard to the work in San Francisco and in other

parts of the state of California, as well as matters of interest to humane workers generally. About 2,500 copies are issued in each month and are sent to libraries, school teachers, clubs, public officials in the city, and to various societies in the state.

In 1909 the first work-horse parade in San Francisco was held. Elaborate preparations were made and over two thousand horses and nearly a thousand drivers participated. Cash prizes, aggregating \$1,979, were distributed to drivers in amounts varying from \$2.50 to \$20. Much of the success of the parade was due to the co-operation of merchants, business and professional men, who contributed generously. The San Francisco society subscribed \$500. On June 1st, 1914, horse-tag day was celebrated. Through the generous co-operation of interested men and women buttons and tags were sold to raise a sum for the purchase of the new motor ambulance. Later in the year the "Ladies of the Pacific Cat Club" held a benefit show from which the sum of \$500 was received. The total amount realized from these two sources and applied to the expenses of the new ambulance was \$2,982.68.

Last year, in anticipation of the Panama-Pacific International Exposition, the San Francisco society sought to interest other organizations in the country in providing an adequate exhibit of humane work. Mr. D. O. Lively, chief of the department of live-stock of the Exposition, highly approved the plan and interviewed a number of officials of eastern organizations in regard to the matter. Some, however, were indifferent and others were not financially able to participate, and the plan for a general exhibit fell through. Under the urging of Mr. Lively, however, the San Francisco Society undertook the project alone, erected a building, supplied exhibits, and was ready for visitors not long after opening day. The exhibit aims to illustrate the kind of work done by humane societies on behalf of animals and the methods employed. The society has assembled humane devices and apparatus designed to promote the comfort of animals and birds, together with the articles of equipment necessary for the operation of an animal society. Many of the things exhibited have been contributed by manufacturers throughout the country. The exhibit has been largely attended from the beginning, and

without question has aroused an interest among its visitors which will have a widespread educational benefit. The society certainly is to be congratulated upon this achievement.

The San Francisco Society for the Prevention of Cruelty to Animals has not a large endowment fund; but its income in recent years has been sufficient to maintain a considerable balance on hand at the end of each fiscal year. The balance on hand June 1, 1913, was \$9,845.22. The receipts during the year ending May 31, 1914, were \$19,411.58, making the total cash available \$29,256.80. The expenditures during that year were \$24,077.17, leaving a balance on hand January 1, 1914, of \$5,179.63. The cash statement for the year ending May 31, 1915, is as follows:

| | |
|--|------------------|
| Balance on hand June 1, 1914..... | \$5,179.63 |
| Receipts for the year from the secretary for dues, fees, etc., as per report filed by the secretary..... | \$25,616.99 |
| Interest on Western Pacific Bonds | 250 |
| Interest on bank deposits July 1..... | \$89.80 |
| Interest on bank deposits, December 1 | 84.93 |
| Interest on ambulance fund, December 1.... | 45.85 |
| | 220.58 |
| | <u>26,087.57</u> |
| Total cash | \$31,267.20 |
| Disbursements for the year, bills audited by the finance and auditing committee and ordered paid by the board of trustees, on drafts signed by the president and secretary; for salaries, taxes, feed, repairs, etc., as per secretary's statement | \$30,387.47 |
| Less amount transferred to ambulance fund | 2,846.73 |
| | <u>27,540.74</u> |
| Balance on hand June 1, 1915 | \$3,726.46 |
| <i>Other Assets:</i> | |
| 100 shares of Spring Valley Water Co..... | \$5,000.00 |
| 10 bonds of Western Pacific R. R..... | 3,000.00 |
| Real Estate and Office Buildings | 57,830.70 |
| | <u>65,830.70</u> |
| Total assets..... | \$69,557.16 |

(b) THE PACIFIC HUMANE SOCIETY

Two other societies have been formed in San Francisco for the prevention of cruelty to animals. One of these, the Pacific Humane Society, was originally organized about twenty-five years ago, but was reorganized and reincorporated in January, 1906. It does not seem to have gained much prominence before its re-

organization, and its history since that time has been rather unfortunate. In 1907 and 1908 its membership grew rather rapidly and an astonishingly large number of its members were commissioned as humane officers. The Civil Code (Section 607-f) at that time provided that humane officers appointed by the trustees of a society and approved by a judge of the superior court should have the power of peace officers in regard to children and animal cases, including the power of arrest and the right to carry arms. In 1907 the police department discovered on numerous occasions that offenders who had been arrested for various reasons wore badges of the Pacific Humane Society and in each case found that the defendant carried a gun. Among the cases reported in the press at the time is that of a barber who had been impersonating a police officer; the attempt of another to compel a hack-driver to carry him free of charge by showing his badge; and that of another who became involved in a quarrel over the price of cigars, during which he drew a pistol.¹

During these two years, 1907 and 1908, judges of the superior court remarked upon the large increase in the number of applications made to them for confirmation of the appointment of officers of humane societies. It was said that during twelve months of that period more such appointments were confirmed than in the preceding twenty years. The existence of such large numbers of humane officers carrying revolvers and the disorderly conduct of some of these so-called officers led Chief-of-Police Biggy, in 1907, to make an investigation. The investigation disclosed that more than 1,600 members of the Pacific Humane Society were authorized to make arrests and to carry weapons. It was also learned, according to Chief Biggy, that badges were granted by the Pacific Humane Society to whoever was willing to pay the initiation fee of \$5 charged by the society and that the new members were sworn in by judges of the superior court in lots of fifty and seventy-five at a single meeting, no efforts being made to investigate the character of the prospective officers.

Chief Biggy thereupon wrote to Judge Coffey of the Superior

¹ San Francisco Bulletin of February 11, 1908, San Francisco Chronicle of November 16, 1908 and November 21, 1907.

Court complaining of the situation and asking that some steps be taken to stop the appointing of criminal and irresponsible persons as humane officers. Judge Coffey, in his reply, called the attention of Chief Biggy to the fact that the superior court did not appoint these officers but merely confirmed appointments made by the societies, and that only the societies were responsible for the misconduct of their officers.

Chief Biggy then demanded that each society should submit to the police department a complete list of members having permits to carry arms. It appears that such a list was immediately furnished by the San Francisco Society for the Prevention of Cruelty to Animals; but the secretary of the Pacific Humane Society, in a letter made public in March, 1908,¹ criticized the action of Chief Biggy and stated that the board of directors of the Pacific Humane Society, after careful consideration, had decided not to grant the request. The chief of police was quoted as saying that unless the list requested was furnished him forthwith, steps would be taken to have the charter of the Pacific Humane Society revoked. It does not appear, however, that any such action was taken.

An interesting comment on the situation appeared in the Oakland *Critic* of October 26, 1907. The paper comments on the rapid increase in the membership of the Humane Society and connects the fact with the presence of strike-breakers. It will be remembered that San Francisco was at that time in the midst of a street-car strike, and the Oakland *Critic* remarked that nearly every platform man running a street-car in San Francisco at that time wore one of the society's stars. The article goes on to say:

"It is well known that the Calhoun strike-breakers could not secure permits from the police commissioners to carry concealed weapons in a thousand years; hence every man who drives a car with a gun in his pocket is liable to arrest at any moment, and the police court judges have gone on record with the declaration that any man, union or non-union, who comes before them on a charge of carrying concealed weapons will be given the limit in jail.

Now, it is a matter of common knowledge that the state law provides for the arming of officers of the Society for the Pre-

¹ San Francisco Bulletin, March 3, 1908.

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vention of Cruelty to Animals. To become such an officer it is only required that the applicant for membership in the organization deposit \$5 in cash. This sum gives him the privilege of wearing a star and carrying a revolver for one year, and all the police officers on earth cannot stop him.* * *

And the Calhoun strike-breakers are not the only men who are taking advantage of this law. Every man who during the past six months has been turned down by the police commissioners on application to wear side arms has joined the Society for the Prevention of Cruelty to Animals, and never in the history of the organization has there been so much money in the treasury."

This item not only gives what was a commonly accepted explanation of existing facts, but illustrates the harm which might be done by an inadvertent misuse of terms. It will be noted that the writer alludes to the organization in question as "The Society for the Prevention of Cruelty to Animals." The only organization whose title includes these words is the San Francisco Society for the Prevention of Cruelty to Animals; whereas testimony from all sources, including the police department and the superior court, indicates that the society alluded to must have been the Pacific Humane Society.

Not only were members of the Pacific Humane Society subjected to criticism for carrying arms as strike breakers, but the methods employed by them in making arrests were also drawn into question. At the annual meeting of the Associated Retail Grocers of San Francisco in 1908 a committee was appointed to wait upon the police commissioners and protest against the way in which irresponsible persons acting as humane officers had been arresting delivery men on grocery wagons for imaginary cruelty. As a matter of fact, so many arrests for cruelty to animals had resulted in dismissals that Chief Biggy sent instructions to his company commanders warning them to exercise greater watchfulness over the arrests made by humane officers. He requested that whenever a special officer of any society desired to book a prisoner at a police station the lieutenant or sergeant in charge must first examine the animal, and if he did not think its condition constituted an offense he should refuse to book the driver, but must take the name and address of the driver as well as that of the special officer and report the same to the chief of police.

Associations of horse-owners likewise protested that when arrests were made horses were placed in stables where the owners could not locate them for several days. Chief of Police Biggy accordingly instructed lieutenants and sergeants to take charge of animals involved in cruelty cases and, if the prisoner was not released, to place the animal in a stable designated for the respective district in which the arrest was made. The purpose, of course, was to make it easy for the owner to locate the animal.

As a result of the investigations instituted by the police department with reference to the Pacific Humane Society, there was begun an agitation for the repeal of the law which vested humane societies with authority to appoint special policemen. The law was not repealed; but in 1909 the legislature so amended the Civil Code, Section 607-f, as to meet the situation which had arisen in San Francisco.¹ By this amendment it was provided that in cities of the first class² no officer or agent of a society should carry a weapon until permission in writing had first been granted to him by the board of police commissioners of the city.

After 1909 the activities of the Pacific Humane Society became less prominent, although at the annual meeting in 1910 the society reported that during the year 1,687 complaints of cruelty to children and animals had been received, and that 173 convictions of offenders had been secured. In 1912 the supervisors of the city and county of San Francisco refused to pay to the Pacific Humane Society the amounts of fines which had been imposed in cases in which its officers had made or caused arrests. Since 1913, when the system of giving fines to humane societies was discontinued by law, the Pacific Humane Society has practically ceased to operate.

(c) THE UNITED STATES PROTECTIVE ASSOCIATION

In May, 1908, following a dissension among the members of the Pacific Humane Society, some of their number seceded and organized a new society called the United States Protective Association for the Prevention of Cruelty to Children and Animals. It was incorporated May 21, 1908. The United States Protective

¹ Statutes of 1909, page 33.

² San Francisco, Los Angeles and Oakland.

Association declares that its policy is not to apply for or to receive charity funds of any kind, but to rely upon the voluntary contributions of its members. It has not become involved in any such scandal as marred the record of the Pacific Humane Society in 1907 and 1908; but its activities have from time to time provoked unfavorable comment, and the charge has been made that the motive of its organization was to profit by the fine system which was then in force. In 1910 an agency was established in Los Angeles, under arrangements by which it was provided that the United States Protective Association in San Francisco should receive one-third of the fines collected through the agency of the Los Angeles branch. The society also made it a practice of giving its officers one-half of the fines imposed in cases in which they made arrests.

The criticisms made of the work of the United States Protective Association are illustrated by its experience in Orange County in southern California. After an active campaign in this region, resulting in numerous convictions and the imposition of fines, the supervisors of Orange County refused to honor the claim for the fines presented by the association. The comment of the press was as follows:

"The United States Protective Association's agents have been touring southern California recently, and in every town where they operate a storm of protest has been raised because of their peculiar methods, and it has been shown that in many cases arrests for alleged cruelty to animals have been made on most trivial pretexts; and as the fines collected, after first being paid into the city or county treasury, are afterwards paid out on demand to support the organization, it looks like a scheme to make money instead of what it is represented to be. * * *

"President Joplin of the Orange County Society for the Prevention of Cruelty to Animals, in comparing the work of the local association with the get-rich-quick organization, said the Orange County Association for the Prevention of Cruelty to Animals has at all times aimed to remedy abuses coming under its jurisdiction in the most effective manner, and at the same time with the least publicity and expense to all concerned, and added that he can cite very many cases where crippled and diseased animals and horses unfit for work have been mercifully disposed of without bringing the owners into court and the end arrived at without display or ostentation.

"Very rarely, indeed, have fines been levied at the instance of the local association; but the records show that its work has been far-reaching and comprehensive, and that the work it has engaged in is carried on in a purely philanthropic spirit and not for personal gain of its members."

In 1909, after the amendment to the Civil Code above alluded to, the board of police commissioners of San Francisco on a number of occasions refused permits for carrying weapons to officers of the United States Protective Association. The association thereupon instituted mandamus proceedings before Judge Murasky of the superior court, seeking to compel the police commissioners to issue permits. Judge Murasky denied the petition, holding that the authority of the police department in cities of the first class was such that the granting of permits could not be construed as a ministerial duty. The case was carried to the court of appeals, which, in a decision handed down on December 14, 1910, upheld the ruling of Judge Murasky of the superior court and refused to issue a writ of mandamus against the police commissioners.

It may be that the association was at times unfortunate in its choice of officers. The minutes of the association show that on several occasions it was necessary to discharge members for cause, and in one case, reported in the minutes for the meeting of January 24, 1910, it was stated that a certain member was dishonorably discharged because it was discovered that he had joined the association only to secure the privilege of carrying a gun.

The officers of the association feel that they have not been fairly treated by public authorities and that they have been misrepresented in the eyes of the general public. The refusal of the police commissioners to grant the officers of the association permits to carry weapons is one grievance. In March, 1914, the association at one of its meetings brought charges against Police Judge Deasey for misconduct in office for withdrawing a warrant which had been issued by him upon a complaint by an officer of the association. Judge Deasey was a member of the association and the charges were made against him on the ground of his membership. A day was set for his trial before the association;

but the judge did not appear to defend himself and he was there-upon recommended for expulsion from the association.

It is not to be supposed merely because the association has encountered official opposition and has provoked unfavorable newspaper comment that its work is to be summarily condemned. The fact that the officers have been able to secure convictions in cases where they made arrests indicates that there has been need for the kind of work which they have done. On the other hand, certain features of the policy of the United States Protective Association are certainly open to disapproval. In the first place, the society made a serious mistake in the practice of giving half of the fines to the officers making the arrests. This opens the way for agents of undesirable character, and no matter how conscientious or honest an agent may be, his motives are sure to be questioned if it is known that he is to gain personal advantage through the conviction of the defendant. Indeed, at one meeting of the association, April 11, 1910, it was voted to discontinue this custom; but at the next meeting, April 25, 1910, it was voted that the custom be resumed. The reason given for this practice was that the society paid no salaries and desired to offer this compensation as an inducement to activity on the part of its members. No fault can be found with the desire to accomplish humane work through the voluntary efforts of members except that it has never proved to be a very effective method. If the association desired to remunerate its officers in any way, it should have been through the payment of stated salaries and not through a division of the fines.

Another matter in which the association seems to have been in error was in the arrangement made with the Los Angeles branch by which one-third of the fines imposed in Los Angeles county and paid to officers of the United States Protective Association should be turned over to the main office at San Francisco. If the work in Los Angeles was unable to pay for itself, the parent organization could be justly expected to make up the deficit, but it seems irregular that a branch established in a distant part of the state should be asked to make contributions to the treasury of the main office. The records of the association are not at all clear or detailed as to the amount of work done in San Fran-

cisco or in Los Angeles; but entries made in its minutes from time to time indicate that a considerable revenue was derived from the work in Los Angeles. The total receipts of the society from the date of its organization in May, 1908 to May, 1911 were \$1,086.75; the receipts for the year ending May 12, 1912 were \$1,071.54; for the year ending May 12, 1913, \$745.35. The records do not indicate the sources of these revenues.

Partly as a result of the agitation provoked by the activities of the Pacific Humane Society and the United States Protective Association, the legislature in 1913 amended section 607-e of the Civil Code, relating to the compensation of societies for the prevention of cruelty. Up to that time societies had been entitled to all fines imposed in every case where the prosecution was instituted, aided or conducted by their representatives. The amendment of 1913¹ provides that all fines shall be paid into the public treasury but that societies may be paid as compensation from the city or county or city and county general fund by the board of supervisors or other governing body thereof a sum not exceeding \$500 per calendar month. The reasons for the amendment are thus stated in section 2 of the amendatory act:

"This act is hereby declared to be an urgency measure within the meaning of section 1, article 4 of the constitution, and is deemed necessary for the immediate preservation of the public peace and safety. The following is a statement of fact constituting such necessity: Section 607-e of the Civil Code permits societies organized for the prevention of cruelty to animals to make arrests, carry on prosecutions and collect fines, and under the provisions of this section numerous societies have been organized and are being operated in such a manner as to be a menace to the public peace and safety. Arrests are being made and property seized without prosecution of the charges made; citizens are being forced to pay tribute to outlaw societies to escape prosecution, and peace officers are urging the immediate withdrawal of the right of these societies to collect fines because of their greatly increased activity in these practices pending a time when this bill may become law."

Being thus passed as an urgency measure, the act took effect immediately upon its approval, May 30, 1913.

¹ Statutes 1913, page 638.

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The receipts of the United States Protective Association for the year ending May 11, 1914 were \$943.77. This does not indicate any material decrease in revenue; but of course many of the fines paid to the association were for cases which had been brought before this act took effect on May 30, 1913. The annual report for the past year rendered May 10, 1915, gives the receipts of the association for the year as \$147.25. It is impossible to dissociate this tremendous decrease in the income from the discontinuance of the system regarding fines which had prevailed during the first five years of the association's existence.

The association still maintains its organization and holds regular meetings. Its present membership in good standing is about 200, over 100 of them being residents of San Francisco. In view of the lack of funds and of the policy of the society not to receive donations from outsiders, it is apparent that any work which it may accomplish would be due entirely to voluntary efforts of its members. It has no material equipment, such as ambulance, animal shelters, etc., so that its operations are necessarily limited to making investigations and filing complaints in cases of cruelty. This kind of work is useful, but it is to be feared that the accomplishments of this organization will not be of increasing value unless it changes its financial policy and seeks to broaden the scope of its endeavor.

In this connection it might be proper to note another change which was made in the Civil Code at the same time that the policy of giving fines to the societies was discontinued. It will be remembered that in 1907 and 1908 so much trouble arose over the character of officers appointed by humane societies that the legislature inserted in section 607-f of the Civil Code the proviso requiring a permit from the board of police commissioners in cities of the first class before humane officers in such cities should be allowed to carry arms. The experience during the next two or three years did not prove entirely satisfactory and it was felt necessary still further to safeguard the public and humane work itself in the manner of appointing humane officers. Accordingly, along with the amendment relating to compensation of societies for the prevention of cruelty, was passed an amendment to section 607-f of the Civil Code relating to the appointment of

humane officers.¹ The section as thus amended provides that each appointment shall be by separate resolution of the board of directors and trustees; that such resolution shall state the full name and place of residence and the business or occupation of the person so appointed and the fact that he is a citizen of the state of California, and shall also designate the number of the badge to be allotted to such officer. Each appointment must be approved by the judge of the superior court in the county where the corporation has its principal place of business. The resolution of appointment with the judge's approval endorsed thereon must then be filed in the office of the county clerk, and the appointee must take the oath of office prescribed for constables or other peace officers. The county clerk is required to keep a record of such humane officers in a book provided for that purpose.

It will be remembered that in 1907 and 1908 the chief of police had no means of knowing who had been appointed as humane officers with the power of arrest and the right to carry arms, and that one of the societies refused to furnish a list of its appointees. It certainly is desirable for the police authorities to be in touch with all individuals who are in any way vested with the powers of peace officers, and it is most important that men chosen for such duties should have proper qualifications. The provisions just recited are aimed to accomplish both of these objects. The amendment seems to have had the desired effect, for since 1912 the city of San Francisco has not been harassed by a multitude of incapable humane officers and the humane work in the city has been conducted in a decent and orderly fashion.

2. LOS ANGELES

The distinguishing feature of the work in the county of Los Angeles is that the humane work in the city of Los Angeles is performed by a commission appointed by the mayor, while the Los Angeles Society for the Prevention of Cruelty to Animals confines its operations chiefly to the portions of the county outside of the city. The society was incorporated in the city of Los Angeles in November, 1877, and for a great many years carried on the humane work of both city and county. Several years ago

¹ Statutes 1913, page 411, approved May 30 and in effect August 10, 1913.
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certain members of the society desired to follow the example of San Francisco and of Pasadena and take over the management of the pound. Members were unable to come to an agreement in the matter, and finally, in 1908, those in favor of the project organized The Humane Animal League. This organization openly attacked the manner in which the pound was then conducted, charging the pound authorities with graft. A formal request was made of the city council, and in November, 1908, this body made a contract with The Humane Animal League for the conduct of the pound. By the terms of this contract the league was to keep seventy-five per cent of all fees as compensation for its services. The validity of the contract was at once attacked on the ground that it violated the provision of the charter which required contracts involving expenditure of money by the city to be let only after competitive bids. The court upheld this contention and declared the contract void, and an injunction was thereafter granted preventing the payment of money to The Humane Animal League for any work performed in the management of the pound.

(a) HUMANE ANIMAL COMMISSION

In 1909, after the arrangement with The Humane Animal League had been declared illegal, the city council established a Humane Animal Commission,¹ consisting of three persons appointed by the mayor and council. The conduct of the pound under the commission as then established did not prove entirely satisfactory; and in 1912 the city council authorized the Humane Animal Commission to appoint a secretary, who should have immediate supervision of the pound and of the work connected therewith.²

In the meantime humane work in the city had been performed by the Los Angeles Society for the Prevention of Cruelty to Animals and by the United States Protective Association, which had established a branch in Los Angeles in 1910.³ In 1913, the year in which the legislature took from anti-cruelty societies the

¹ Ordinance No. 18,520, New Series, Approved July 28, 1909.

² Ordinance No. 24,628, New Series, Approved March 20, 1912.

³ See above, page 88.

right to receive fines, the city council of Los Angeles decided to vest authority to perform this kind of work in the Humane Animal Commission. Accordingly, an ordinance was passed¹ creating a new Humane Animal Commission and providing that, in addition to the maintenance of the public pound, it should be the duty of said commission to enforce all ordinances of the city of Los Angeles and all humane laws of the state concerning the care or treatment of dumb animals or for the prevention of cruelty to dumb animals. Since that time practically all of the animal work in the city of Los Angeles has been carried on by the Humane Animal Commission.

In addition to the secretary, who acts as superintendent of the work, the commission employs nine men. Two of them are constantly employed in enforcing anti-cruelty laws and three devote their entire time to the enforcement of the dog-license ordinance. All fees and fines collected, of course, go into the public treasury, and the expenses of the commission are provided for in the budget of the city council. The following table indicates the work done by the Humane Animal Commission since its establishment in 1909.² The financial statistics show a substantial profit to the city.

| | 1909-10 | 1910-11 | 1911-12 | 1912-13 | 1913-14 | 1914-15 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| <i>Pound Work</i> | | | | | | |
| Dogs licensed | 12,149 | 12,665 | 14,333 | 14,025 | 13,625 | |
| Dogs impounded..... | 5,013 | 4,318 | 3,162 | 3,047 | 3,190 | 2,323 |
| Dogs destroyed | 4,343 | 3,651 | 2,856 | 3,067 | 2,607 | 1,982 |
| Dogs redeemed..... | 635 | 656 | 299 | 580 | 575 | 331 |
| <i>Anti-cruelty Work</i> (begun Dec. 17, 1913) | | | | | | |
| Animals examined | | | | | 5,440 | 5,652 |
| Arrests..... | | | | | 104 | 301 |
| Convictions | | | | | 100 | 296 |
| Fines imposed..... | | | | | \$1,368.00 | \$3208 |
| Ambulance calls..... | | | | | | 123 |
| <i>Finances</i> | | | | | | |
| Budget allowance.. | \$14,731.60 | \$30,190.25 | \$14,427.00 | \$13,151.21 | \$13,560.42 | \$17,192.28 |
| Total receipts | | | 31,133.43 | 35,205.45 | 35,176.00 | 35,748.80 |
| Expenses | 13,210.08 | 13,140.77 | 13,410.00 | 12,645.25 | 13,165.26 | 16,958.98 |
| Balance | 1,521.52 | 17,049.48 | 17,723.43 | 22,560.20 | 22,010.74 | 18,789.82 |

The marked increase in receipts for the second year is partially to be explained by the fact that when the commission undertook this work the licenses for the year had already been issued. The

¹ Ordinance No. 28,783, New Series, Approved December 6, 1913.

² The work was begun September 20, 1909. The fiscal year begins July 1.
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streets, however, were overrun with unlicensed dogs, and the chief work consisted in impounding and disposing of these animals. As this feature of the work became better regulated there were fewer dogs impounded and destroyed and more were licensed. The anti-cruelty work was begun on December 17, 1913, and because of the division of labor caused thereby less attention was given to the enforcement of the dog-license ordinances, and consequently during the past two years there has been a decrease in the number of dogs licensed as well as in the number of dogs impounded and destroyed. The figures relating to humane work indicate increasing activity in this direction. Arrests and convictions during the year just ended were almost three times the number of arrests and convictions during the previous year, and there was a corresponding increase in the amount of fines imposed.

In July, 1914, the ambulance which had formerly been operated by the Los Angeles Society for the Prevention of Cruelty to Animals was taken over by the Humane Animal Commission, and the report shows that during the year it was used on 123 separate occasions. The Humane Animal Commission does not maintain a hospital nor does it employ a veterinarian. Cases needing medical care are turned over to hospitals of private veterinarians. The site of the pound is at the present time leased by the city at a rental of \$100 a month. Members of the commission have urged that the city purchase this site or another suitable for the purposes of the pound; but the city council has not seen fit to take this step.

(b) LOS ANGELES SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

In the meantime the work in the country districts of Los Angeles County is being done by the Los Angeles Society for the Prevention of Cruelty to Animals. In some respects it seems a good plan to have the work divided as at present, for it allows one organization to give its entire attention to the work in the country districts which generally suffer from neglect. Two officers are employed to patrol the county in an automobile, and during the year it is estimated that they travel from 25 to 35

thousand miles. Some of the greatest difficulties have been encountered in connection with contractors' camps where large numbers of horses are worked and which require rather careful supervision. Four or five years ago many cases of cruelty were found in such camps, but after a vigorous campaign of arrest and prosecution the number has been greatly diminished, and today the horses used by contractors are kept in good condition.

The officers of the society also keep a close watch over wild-west shows and over animal exhibits, and more than once have had occasion to make arrests. In July, 1915, the society was asked to give its consent to the holding of a bull-fight in connection with the staging of the opera *Carmen* for moving pictures. The officers of the society said that they could not sanction any such performance; but if the so-called bull-fight were held there must be no cruelty to animals. The managers of the enterprise were told that the officers of the society would be on hand and would make arrests if necessary. The managers promised that there should be no cruelty. The affair was extensively advertised in the papers as a genuine bull fight, for which bulls and bull fighters were to be imported from Mexico. It was held as advertised, but proved to be a very tame affair. The bull fighters themselves were the only ones who suffered any cruelty. On the first day one of the matadors was hooked and thrown by the bull, but fortunately escaped serious injury.

The amount of work done by the Los Angeles Society for the Prevention of Cruelty to Animals during the past five years is indicated by the following table:

| | 1910-11 | 1911-12 | 1912-13 | 1913-14 | 1914-15 |
|--------------------------|---------|---------|---------|---------|---------|
| Cases investigated | 2,647 | 3,429 | 2,320 | 1,746 | 1,141 |
| Animals examined..... | 5,586 | 9,710 | 6,341 | 5,430 | 8,289 |
| Arrests | 565 | 547 | 414 | 282 | 131 |
| Convictions..... | 512 | 495 | 373 | 249 | 121 |

Thus it appears that the taking-over of the city work by the Humane Animal Commission has caused a decrease in the number of cases investigated and in the number of arrests; but it has not made any material decrease in the number of animals examined. It is probable that the figures for 1914-15 represent the

normal amount of work done by the society, inasmuch as the humane work of the Humane Animal Commission in the city did not begin until December 17, 1913. In the figures just given for 1913-14 are included those which represent the work done by the society in the city from March 1, 1913, to December 19, 1913.

The number of arrests made by the officers of the Humane Animal Commission during the past year¹ was 301. Thus the total number of arrests by both the commission and the society was 431. This is less than the number of arrests made in the city and county by the society during the first two years of the period represented in the above table, and is slightly in excess of the arrests made during the third year of this period. By far the greater number of arrests formerly made by the society were in the city. At the present time they are making more arrests in the country districts than they were accustomed to make when they had charge of both branches of the work.

At the present time of course the society does not receive fines, and since the humane work in the city was given to the Humane Animal Commission the society has received nothing from the city treasury. Before that time its allowance from the city varied from \$1,300 to \$2,000 a year, and it received about \$1,200 from the county. Under the present law, which authorizes boards of supervisors and other governing bodies of cities or counties to pay to humane societies a sum not exceeding \$500 in each calendar month, the supervisors of the county of Los Angeles have voted to appropriate for the use of the Los Angeles Society for the Prevention of Cruelty to Animals \$400 a month. The receipts of the society from fines were considerable, as indicated by the following figures:

| 1909-10 | 1910-11 | 1911-12 | 1912-13 |
|------------|---------|---------|---------|
| \$5,789.85 | \$6,367 | \$7,221 | \$4,845 |

Consequently, the deprivation of fines has taken from the society a very important source of revenue. There has not been a corresponding increase in the amount of annual dues nor in the receipts from other sources. Although the \$4,800 received from the county helps to make up the difference, retrenchment has been

¹ July 1, 1914 to July 1, 1915.

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rendered necessary. The annual expenses have been considerably reduced by abolishing the office of superintendent, by giving up one of the offices of the society and by reducing salaries. The amount of salaries has been reduced from about \$8,000 to \$4,000 a year. Donations have never been large, and it is feared that now it will be increasingly difficult to secure them, inasmuch as they were received chiefly from inhabitants of the city; and of course now it is the people of the rest of the county who are principally interested in the work of the society. The total receipts of the society during recent years when it enjoyed fines have been as follows:

| <i>1909-10</i> | <i>1910-11</i> | <i>1911-12</i> | <i>1912-13</i> |
|----------------|----------------|----------------|----------------|
| \$14,643.98 | \$18,558.33 | \$14,798.66 | \$10,767.33 |

During the year 1912-13 nothing was received from the city or county. This fact explains the decrease from previous years. The total receipts during the past year, 1914-15, including the \$4,800 from the county, amounted to \$10,086.73.

In spite of the fact that the society now does most of its work outside of the city, it has sought to maintain the interest of all people who have hitherto given support, and it has sought to arouse fresh interest both in the city and outside. In October, 1913, just before the work in the city was taken over by the Humane Animal Commission, a benefit concert was held in the Majestic Theatre which not only brought the society a sum of money but helped to advertise its work and its needs.

The society does not publish an annual report. During the past year the board of directors issued a statement explaining the present status of the society and indicating that owing to the reduction in expenses the society was on a better financial basis than it had been for some time. They asked, however, that people interested in humane work, whether residents of the city or not, contribute to the cause in order that their activities might be extended. One purpose for which they desire the use of additional funds is humane education, to be accomplished through instruction in schools and to drivers and caretakers of horses. It is also desired to make more thorough the inspection of places where animals are kept throughout the county.

There have been times in the past when the society and its officers have been the objects of rather severe criticism; but at present it is accomplishing a really effective work and seems to enjoy public confidence.

Although the creation of a commission for the conduct of humane work in the city of Los Angeles has had certain advantages, it has also had its drawbacks. There is always danger that a commission created by ordinance, whose members are appointed by the mayor and council, will be affected by party politics. The Humane Animal Commission has been no exception in this respect. The ordinance providing for the commission requires that the persons appointed shall be persons known by the mayor to be devoted to the principles of humane treatment of animals. The commissioners are appointed for terms of four years; but the mayor, with the consent of council, may remove any commissioner at any time. The commission is authorized to appoint a secretary, who has immediate charge of the work of the commission. For the most part the persons appointed as commissioners have fulfilled the one requirement as to their fitness. But in 1913, when the authority of the commission was extended to include anti-cruelty work,¹ the existing commissioners were legislated out of office and a new commission created. Appointments were then made which were satisfactory to the new administration. Fortunately the secretary who had been in touch with the work ever since the commission was first established was continued in office. Consequently, the work in the city has been carried on with a high degree of efficiency in spite of outward changes in the personnel of the commission. The system, however, is bad. The tendency to make appointments for political reasons has already been illustrated, and it would be strange if a body so constituted did not become hopelessly involved in politics and degenerate to a state of inefficiency equal to that which formerly characterized the conduct of the public pound. On at least two occasions during the past two years the Humane Animal Commission has taken action which rendered its motives subject to suspicion. In October, 1915, the secretary was removed from

¹ See above, page 95.
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office, but two weeks later, after a hearing, was reinstated at the order of the civil service commission. Once before the same officer was removed by the Humane Animal Commission and reinstated by the civil service commission following an appeal. No plum is so small or hangs so high as to be safe from the greedy fingers of those whose friends in politics must be rewarded.

3. SAN DIEGO

The San Diego Humane Society was originally incorporated in 1888. In 1908, as a result of disagreement among the members, a new society was incorporated called the San Diego Society for the Prevention of Cruelty to Animals. The two organizations operated as rivals for three years when, in 1911, a reconciliation was effected. The two societies were consolidated into a single organization called the San Diego Humane Society, and directors from both societies were elected on the new board. Since that time humane work in San Diego has been carried on under much more satisfactory conditions.

Perhaps the most prominent work of the San Diego Humane Society is the conduct of the public pound. The society is by ordinance given charge of the city pound under the direction of the common council. The poundkeeper and his assistant are appointed and paid by the society. All sums collected for dog licenses, as well as all fines collected for the violation of humane laws affecting animals and all funds paid into the treasury for redemption of impounded animals, are required to be set aside as a special fund to be used in maintaining the public pound. The society has recently asked the common council to provide that the city pay the salaries of the poundmaster and his assistant. An ordinance to that effect has been introduced and it is hoped that it will pass. Inasmuch as all moneys received in the operation of the pound are paid to the city, it seems reasonable that the city should pay the salaries of these two officers.

The most vexing problems of the San Diego Humane Society arise from the geographical situation and from the character of the population in the surrounding country. The Mexican border is only about 17 miles away, and just over the line is the city Tia Juana, where bull-fights and other animal fights are constantly

held and where gambling-houses are always wide open. Although the fighting of animals in the state of California has been rendered infrequent through the persistent efforts of humane societies, it is not uncommon for animals to be trained for fighting purposes by inhabitants of the state. In the valley in southern California along the Mexican border live many Mexicans who have made it a practice to train animals on the sly; and even in the city of San Diego regular training schools for fighting animals have been found. Several times officers have found cellars or basements of saloons fitted up and used for the training of fighting dogs. At one place within an enclosure was found a treadmill built for the exercise of fighting dogs. The method was to place the dog upon the treadmill, then hold in front of it, just out of its reach, a cat or a rabbit or a small dog, till the animal had worked itself into a state of frenzy. Such occurrences are now rare in the city, but it is necessary to be constantly on the lookout in the surrounding regions. It has been very difficult to make any appeal on moral or humane grounds to the Mexican element, and Mexican officials have been found no exception to this rule. In fact, until recently conditions in Tia Juana have been notoriously bad, and more than once the officials of this town have been known to connive at the "fleecing" of Americans who have visited the place.

Aside from the ordinary forms of cruelty which are encountered in the city, the society co-operates in enforcing the law which protects seagulls and pelicans and the law regulating the crab industry. It has occasionally been necessary to prosecute restaurant-keepers for displaying live lobsters on ice, although usually a warning for the first offense has been sufficient to stop this practice.

In order to secure better supervision of the outlying districts attempts have been made to organize branches. At the present time one branch has been organized in Escondido, situated 23 miles from San Diego. The branch organization is regarded as an auxiliary of the San Diego Humane Society and the president of the local organization is made a vice-president of the San Diego society. Ten per cent of the membership dues are paid into the treasury of the parent organization.

The society has also organized a juvenile branch in San Diego in which school children can secure membership on the payment of 50 cents a year, which is one-half of the regular membership fee. In order to encourage the enlisting of school children, teachers who interest themselves in the movement and seek to secure the enrollment of their pupils are given the same privilege of membership at half the regular rate.

The expenses of the society are not large. The only salaried officer, in addition to the two officers of the pound, is an assistant secretary who attends to the office work. Most of the field work is done by sixteen volunteer officers without pay. The board of supervisors of the county allows \$100 a month. For the balance of its revenue the society depends upon membership dues, donations, benefits, etc. The pound ordinance makes no provision for cats, so no attempt is made to care for these animals at the pound. The society, however, destroys any cats which may be brought to it at a charge of 50 cents for each animal. No regular hospital work is undertaken, although a few sick animals are occasionally cared for for a short time.

The San Diego Humane Society does not publish any annual report. The records of the society for the first six months of 1915 contain the following statistics:

| | |
|---|----------|
| Animals inspected..... | 2956 |
| Dogs destroyed | 112 |
| Dogs redeemed | 56 |
| Dogs sold..... | 68 |
| Arrests..... | 4 |
| Convictions | 4 |
| Amount turned over to city by poundmaster | \$362.65 |
| Balance in city pound fund..... | 713.75 |
| Total receipts of society..... | 1,018.00 |
| Total expenditures of the society | 1,041.64 |

4. STATE HUMANE ASSOCIATION OF CALIFORNIA

For several years the larger organizations in California had felt the need of some federation which would secure united efforts in humane work. The initial step was taken by the officers of the Santa Clara County Humane Society in 1908 when they issued invitations to the societies of the state to send delegates to San

Jose for the holding of a convention. Twenty-two organizations responded to the call, and in September, 1908, a two days' session was held at San Jose, during which the State Humane Association of California was organized.

Three societies which sought admission were barred from participation in the convention and were excluded from membership in the association on the ground that they were not *bona fide* humane societies. These were the Pacific Humane Society, the United States Protective Association, and the San Francisco Society for the Protection of Children. The delegates of these three organizations demanded a rehearing before the committee on credentials, but a majority of the representatives from other societies declared that they would withdraw if these were admitted. Consequently the original report of the committee that these societies be excluded was adopted. The State Humane Association was incorporated in July, 1909.

In its announcement the State Humane Association declares that it aims to advance the humane cause through the promotion of fellowship and effective co-operation between societies and humanitarians, to centralize the humane strength of the state in one working body, and to inspire each society with an appreciation of its possibilities and to aid in realizing all of its opportunities through conventions, correspondence and moral support.

The membership of the association consists of individuals and of societies "representing the anti-cruelty endeavor of the state." At the present time its membership consists of forty-seven societies, thirty-nine of which are engaged in the prevention of cruelty to animals. A system of proportional representation for purposes of voting has been adopted. Societies have been grouped in nine classes according to their respective membership, and they are entitled to representative members in the State Association in proportion to such membership. These individual representatives are required to pay dues, so that in effect the contributions made by each society are in proportion to its membership. In addition to the representative members of the society, individuals interested in humane work may join the State Humane Association. The individual membership numbers about eighty-five.

One of the first things undertaken by the State Humane Association was to remedy the conditions brought about by the existence of societies which were deemed undesirable, particularly the three which had been excluded from the state organization. The State Humane Association was to a large extent instrumental in securing the statutory amendments affecting the powers of societies and humane officers which have been described above.¹

The association has also sought to secure the organization of societies where humane work seems to have been neglected. An organizer was sent into six counties where as many societies were formed. Unfortunately, local interest and support have not been sufficient to keep all of these societies active. The association also at one time employed a clerk in the secretary's office to attend to the large amount of work involved in running the affairs of the association; but the lack of funds made it necessary to abandon the employment of this clerk. For a few months in 1914 the State Humane Association employed a special officer to visit various parts of the state which needed attention, to take action for the prevention of cruelty and to make arrests wherever necessary and also as far as possible to arouse local sentiment and bring about the organization of local societies. The lack of funds, however, made it necessary for this project also to be abandoned.

The State Humane Association still holds its regular meetings, and the co-operation made possible by thus keeping the various societies in touch with one another is invaluable. It appears, however, that the association has been prevented from accomplishing all that its founders hoped and expected through the failure of societies to make generous contributions to the treasury. The work of the association as such cannot be carried on without adequate funds. Heretofore too much dependence has been placed upon the efforts of the individuals who happened to hold office and on the societies which these officers represented. Immediate steps ought to be taken to secure a livelier interest and a more substantial co-operation on the part of individual societies if the State Humane Association is to realize the objects for which it was formed.

¹ Pages 87, 91, 93.
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In connection with the general work of the state, mention should here be made of a bill which was introduced in the legislature in 1913, at the time when the work of the humane societies was the subject of general agitation. The purpose of this bill¹ was to create a state humane commission. The bill provided that the commission should consist of seven members appointed by the governor from a list of nominations furnished by the anti-cruelty societies of the state. The governor, the attorney general and the state superintendent of public instruction were to be *ex-officio* members of the commission. The members were to serve without compensation, but were to appoint a secretary on a salary who should have charge of its work. The commission was also authorized to appoint a state superintendent of humane education. Every corporation organized under the laws of the state for the purpose of prevention of cruelty to children or animals, or both, was required to file in the office of the commission a certified copy of its articles of incorporation and a certified statement of the location of its principal office and place of business, the names and addresses of the persons constituting the board of directors or trustees, the names and addresses of its corporate officers, and the names and addresses of all humane officers appointed by it under the provisions of section 607-f of the Civil Code. It was made the duty of the commission to secure the enforcement of laws for the prevention of cruelty to children or animals, to promote and encourage humane education and to encourage and assist in the organization of societies for such purposes. The commission was also authorized to investigate all anti-cruelty corporations, and the persons in charge of such corporations were required to furnish such information and statistics as might be from time to time requested. The commission was also given power summarily to revoke the appointment and terminate the authority of any humane officer appointed under the provisions of section 607-f of the Civil Code. All anti-cruelty corporations were required by the bill to render annual reports to the commission, and the commission itself was required to make biennial reports to the governor.

¹ Assembly Bill No. 3032, introduced March 15, 1913.
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The purpose of this bill was to secure such a supervision of humane work as has often been felt necessary in all states where societies for this purpose have been organized. The arrangement here proposed was a compromise between the state bureau system of Colorado and the system of independent societies prevailing in most of the states. There is no question but that such a commission as was proposed in this bill could accomplish a great amount of good for humane work by increasing the efficiency of existing societies, by helping to organize new societies, and by establishing public confidence in the work of these organizations. Of course, the plan is open to some dangers from political influence; but it is doubtful if any scheme could be devised which would accomplish its purpose and at the same time be entirely free from the possibilities of abuse. The only alternative would seem to be the abolition of anti-cruelty societies and the establishment of a state bureau after the fashion of the State Bureau of Child and Animal Protection in Colorado. If the system of individual societies is to be continued and an adequate method of supervision over their activities is to be established, it would seem that the plan proposed in the bill above described is as free as possible from the dangers of political influence. The members of the commission are to be appointed by the governor, but their genuine interest in the humane cause is assured by the fact that the list from which the governor is to choose the members of the commission is composed of names suggested by the humane societies of the state. It would scarcely be possible under such conditions for a purely political board to be established. In spite of its merits, however, the bill did not pass the legislature; and California, like New York, is still without adequate supervision of the work of humane societies.

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IV. SUMMARY

From this limited survey it would not be safe to generalize too broadly. There are, however, one or two subjects which demand a brief consideration. In the first place, it is evident from the study of humane work in these three states and in the State of New York¹ that the question of state-wide organization is one of general importance and is pressing for an immediate solution. It is necessary to have an organization which will secure a better distribution of humane efforts as well as a higher degree of efficiency, and which will keep all organizations engaged in this kind of work under adequate supervision so as to insure co-operation and prevent unnecessary duplication. In no state are existing conditions entirely satisfactory. In New York, Illinois and California there is no real state-wide organization. The individual societies are practically independent of each other and any co-operation on their part is entirely voluntary. In New York State humane work is perhaps more evenly distributed than in the other states; but this is due rather to the chance of outward conditions than to any merits in the system itself. The area is comparatively limited and the population relatively dense. These circumstances make it possible for a large number of anti-cruelty societies scattered throughout the state to keep alive and to operate with a fair amount of effectiveness; but it has been seen that even here there are sections where the work is neglected and which apparently can be reached only through the efforts of some larger organization.

In Illinois one society has done its best to extend the work throughout the state, but thus far its activities are confined to a minority of the counties. In California there exists a federation of humane societies which has made some attempts to carry on work as a state organization; but lack of funds and other circumstances have prevented it from attaining great success.

Of the group of states which have been studied, Colorado alone has an organization designed to carry on work in all parts of the state. It was said above that in no state are existing conditions

¹ Bulletin of Social Legislation, No. 3. See above, p. 1.
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entirely satisfactory. As applied to Colorado this statement is not a criticism of the form of organization nor of the methods employed, but rather of external forces which have worked at cross purposes with the Colorado State Bureau of Child and Animal Protection. It has been noted that the bureau is so constituted as to avoid political appointments to its offices. Those responsible for the conduct of its affairs are primarily interested in humane work as such. Nevertheless, it has been seen that political influences have been brought to play upon the bureau in one way or another, usually so as to interfere with the proper activities of its officers. The recent veto of the appropriation for this bureau by the governor is only an extreme illustration of the dangers to which such an organization is exposed. It depends for its livelihood upon the will of political bodies. It so happens that since its organization in 1901 the legislature has made regular though inadequate appropriations, and until this year the funds thus appropriated have always been available. Since the ordinary resources of the bureau have been cut off through the action of the governor, the officers of the bureau have been able to raise sufficient money by private subscriptions to carry on at least a portion of the work until the end of the present governor's term. It appears, however, that only a great emergency has aroused sufficient public interest to secure generous contributions. The appropriations made by the legislature have never been equal to the needs of the work, and this fact has been advertised; but as long as the bureau received money from the state the amount received from private subscriptions was inconsiderable. In other words, philanthropists apparently do not contribute readily to an organization which is supposed to be supported by public taxation. In spite of the difficulties which have been encountered in Colorado, it must be said that the work has been conducted much more satisfactorily under the present organization than under the old regime when the Colorado Humane Society operated merely as a private corporation.

The experience of Illinois shows that a private society cannot single-handed carry on the work of a whole state as it should be done. The experience of California shows that a voluntary federation of societies is also inadequate. The state bureau system

existing in Colorado is perhaps the best that could be devised to meet the conditions in that state. In Wyoming and Montana, thinly-populated states, where the general conditions are not unlike those of Colorado, a similar system has been used with apparently satisfactory results. The difficulties of imposing such a system upon states like New York, Illinois and California have already been pointed out. In these states there are more large population centers and a comparatively large number of well-established humane societies. It would at the best be embarrassing in any one of these states to constitute any existing society as a state board with authority to control all the humane work of the state. Local jealousy and local pride are elements not to be disregarded. Indeed, those who have labored to establish and to develop a strong local humane society could not be blamed for opposing any steps which would tend to rob their organization of its individuality or to detract from its prestige. It is doubtful whether under such circumstances any state organization could carry on work as effectively in a given city as the local society supported by community interest. In other words, it would not seem wise to abolish the system of local societies where it has become well established and to substitute therefore a state bureau system.

On the other hand, it is clear that something ought to be done to increase the effectiveness of humane endeavor. In every state there ought to be some body with supervisory authority to check up the work of individual societies and to direct their efforts so as to secure co-operation and with power to extend humane work to all parts of the state. These requirements were pretty well met in the bill above referred to¹ which was introduced in the California legislature in 1913. It is not necessary to repeat here in detail the provisions of that bill. It is suggested tentatively as at least a partial solution of the problem of organization in the older and more populous states.

Another subject which has stood out rather prominently in the above discussion is that of the disposition of fines. This was considered at some length in connection with the conditions existing in New York State.² In California the system of giving

¹ Page 106. ² Bulletin of Social Legislation, No. 3. See above, p. 1.
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fines to the societies resulted in conditions which made it necessary to amend the law.¹ It is obvious that this system is always open to abuse, and it must be admitted that even where positive proof of abuse is lacking, it is more or less unpopular. In California, even when the activities of certain societies led to convictions, their motives were questioned and their methods were severely condemned. In two instances boards of supervisors refused to honor demands made by societies for the payment of fines imposed through the efforts of agents of these societies. The feeling that humane societies were yielding to temptation and were being organized for the purpose of financial gain became general. This feeling was perhaps aggravated by the practice on the part of one society of giving half of the fines to the officers making the arrests. The same organization in establishing a branch in another part of the state required that one-third of the fines paid to the officers of the branch society should be turned over to the main office at San Francisco. Conditions were still further complicated by the abuse of the privilege of carrying arms. Strike-breakers and others who were entirely unfit to act as humane officers secured commissions and the accompanying privilege of carrying arms in such large numbers as to demand an investigation by the police department. The resulting changes in the law have already been described.²

Although the system seems to have had no evil effects in the state of New York, there was without question ample occasion for abolishing it in California. It is to be noted that since the right to receive fines was taken from the societies, not only have those which confined their efforts to prosecution become inactive, but the number of arrests and prosecutions has suffered a general decrease. Statistics which have been given above indicate that the prominent societies which are still active in the larger cities of California have instituted fewer court proceedings since the amendment of 1913 than they did formerly. This, of course, by no means proves that the motive for making arrests is unworthy. Indeed, it does not appear that while the former system was still in force the reputable societies in existence were much criticized in this regard. The fact remains, however, that after

¹ See above, page 91.

² See above, pages 87 ff.

the fines were taken away arrests and prosecutions fell off. Although it is not necessary to attribute unworthy motives, it can at least be said that the prospect of receiving compensation through the imposition of the fine encouraged societies to take into court cases which are now settled outside. Figures have already been given to show that just as many cases are investigated as formerly. It remains to be seen whether the practice of making fewer arrests will be as effective in the prevention of cruelty. If it can be demonstrated that the results are satisfactory, the societies in other states might be encouraged to relinquish punitive measures, and the system of giving fines to the societies might be generally abandoned without in any way hampering the satisfactory prosecution of humane work.

One difficulty created by the abolition of this system is that of providing ample compensation for carrying on this branch of humane work. The California law now provides that cities or counties may pay to a society a sum not exceeding \$500 a month. In a few counties the supervisors have appropriated something for the support of humane societies within their jurisdiction; but many of them have not done so, and as a consequence some of the smaller organizations which depended largely upon fines have discontinued their work. Societies which do nothing but make arrests are not of the highest type, but their work may very well be extremely useful. In fact, in many small communities the occasional prosecution of cases of cruelty is all that is needed to secure the proper treatment of animals. It is unfortunate that any such societies should have to suffer for the sins of others. But perhaps as a matter of principle it was just as well to discontinue the system of giving fines to the societies in order that humane work may be relieved from any odium which may have attached as a result of the system. In the course of time it is to be hoped that cities and counties will make adequate appropriations for the prosecution of humane work within their borders. Some state organization such as that which has been suggested and which had at its disposal adequate funds could to a large extent carry on the work of societies whose activities would be restricted through the loss of revenue derived from fines.